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## ART. IV. — AN EPISODE IN MUNICIPAL GOVERNMENT.

## IV. THE SHATTERING OF THE RING.\*

THERE have been few incidents in the history of this country more sudden or thoroughly dramatic than the downfall of the Tammany Ring, in 1871, from its position of power in New York City. During the early days of July — but two short weeks before the fatal exposure took place — Tweed and his confederates not only believed themselves in absolute security from any dangerous assault, but they were believed to be so by others. Shortly before that time the New York “Nation,” for instance, had referred to them as being more securely established in power than any dynasty in Europe; and that they jubilantly shared in this opinion was made manifest by their proceedings at the celebration of the Fourth of July by the Tammany Society, just sixteen days before the “Times” began its disclosures. On that occasion their hearts were indeed glad, and they did not hesitate to reveal their bright anticipations to the world. That Ring, the members of which met together and coolly divided their plunder in as unblushing and business-like a manner as any footpads who ever cried “Stand and deliver!” to true men,—these civic thieves, so far from suspecting the abyss which was already yawning at their feet, were actually at this time laying their plans to take possession of the national government. Governor Hoffman was their nominee for the Presidency, and was perhaps the most prominent candidate in the field on the Democratic side. The election was to take place in little more than a year, and consequently the leaders judged the Fourth of July celebration as good an occasion as any which was likely to offer for the formal enunciation of the Tammany programme. Naturally Tammany’s Grand Sachem was its spokesman, and that Grand Sachem was William M. Tweed. In the light of immediately subsequent events, it is not too much to say that his speech was at

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\* For the previous articles of this series, see the “North American Review,” Nos. CCXLV., October, 1874; CCXLVI., January, 1875; CCXLVIII., July, 1875.

once as comical and as complete a display of unblushing impudence as the world has often seen. It had one merit, — it was short; it was also pointed. “In these great and perilous times,” he said, “stand-points must be taken. The Tammany Society propose to be governed by those rules which have made all countries powerful which have followed them. We propose that the interests of one shall be the interests of all. We propose to carry on a strict government. We propose to recognize the right of those who elect persons to high official stations, and to call them to personal account for the manner in which they have conducted themselves and performed their duties. We propose to wrest, if possible, the government from the hands of those who now, in our opinion, are betraying it; from those who are trying to crush out all principles of equality, liberty, and toleration. We propose to recognize the right of the governed to choose who shall be their governors. We propose to let the issue of the past die; to strike forward into a bright and noble career.” It is certainly very questionable whether anything better than this in its way could ever have been perpetrated. The largest public peculator that the hemisphere has seen stands up before his victims, and, on the brink of his own exposure, gravely assures them of his own and his associates’ intention “to call those in high official station to personal account for the manner in which they have conducted themselves and performed their duties.” Tweed was himself by no means without a sense of humor, and it is not difficult to imagine how the huge frame of the hoary-headed old thief must have shaken with suppressed laughter as he rolled out these admirable sentiments, and thought of Hoffman as President.

Surfeited with wealth, as quickly as it was ill gotten, confident in the sense of strongly assured power, and intoxicated with dreams of a brilliant political future, it was small matter for surprise if the revelations made public through the “Times,” in the latter portion of July, 1871, failed at once to disturb the equanimity of the Ring. In the first place, there was really very little that was new in that formidable array of figures. In one form or another nearly the whole of it had appeared before, and had failed to attract any considerable degree of

notice. That the case was otherwise now was very apparent ; the excitement was indeed intense, — but how long would it last ? The citizens of New York had been so very patient under the process of robbery, they had so lent themselves to it, that the robbers were fairly justified in believing a real reformatory movement beyond the bounds of probability. And accordingly neither Tweed nor his associates, except, perhaps, the timid and servile Connolly, for a brief space realized the serious nature of the situation. They had lived in the atmosphere so long that they did not know how electric it had by degrees become.

Nevertheless, on the 22d of July, two days only after the first exhibit of frauds in the "Times," Mayor Hall made what he intended for a response to them. In doing so, it is hardly possible that he could first have consulted with Sweeny, for what he said was so flippant, so inconsequential, so utterly inadequate to the occasion, that no adviser of merely tolerable judgment would ever have allowed him in that way to break a silence which, though dangerous, was at least discreet. On the merits of the question he did not even pretend to offer any explanation, but he contented himself with charging the "Times" with inconsistency and malice, and ostentatiously attempted to dismiss the whole subject as an ordinary newspaper controversy. He denied that the Comptroller's records were secret, and insisted that they had always been open to public inspection. He admitted that the Court House claims were large, and "possibly exorbitant," but as "the same majority that audited the claims had power to re-audit them over the Mayor's veto," he claimed that no responsibility in the matter rested either with Connolly or himself. With most ill-timed and unhappy assurance, he then went on to deny that the members of the special auditing board had any choice about signing the warrants, as their acts were merely "ministerial" ; while, as to auditing the fraudulent claims, he with lofty dignity wrote, "I take my full share of the responsibility." This was substantially the line of defence which Hall subsequently set up for himself and his associates. He expressed neither surprise nor regret at the frauds, nor did he condemn their responsible authors, but he suggested all possible excuses for

their occurrence, and quietly tried to shift the whole burden of blame upon his colleagues' shoulders.

Naturally, a defence so thoroughly flimsy served rather to increase than to allay the excitement. Its sophistries were of that transparent kind most dangerous to deal with, because persons of the lowest average capacity can see through them, and it flatters their vanity to point them out. That the Mayor of the city, so directly assailed, should in a formally published card have only this to say in reply, was tantamount to a confession of guilt. The unfortunate charlatan, however, though he must have been conscious of the utter failure of this first attempt at a vindication, could neither be silent nor discreet. He scribbled anonymously in the papers, and he chattered in person to reporters. To one of these last he did not hesitate to say, towards the end of July, knowing, too, that his words would be published, that all the charges of corruption, even if there was anything in them, would be forgotten before the election for governor took place in November, adding that they now had control of the State "and were determined to keep it." Of the other confederates, Sweeny was out of town, passing his summer at Lake Mahopac, and, after his wont, he watched the rising tempest with anxious, selfish, cowardly eyes. Not being able to forecast its magnitude and seeing no clear way of escape from it, he affected an air of unconcern, refusing to come to New York, and causing it to be rumored that he did not reply to the charges, as they notoriously affected only his colleagues. In choice city parlance, he quietly intimated, in a way to insure to the utterance the greatest possible publicity, that "they" (meaning his colleagues of the Ring) "had a corpse to bury with which he had no concern." In point of fact, Sweeny was, as a thief, just as greedy and bare-faced as either Connolly or Tweed. Long subsequently it appeared that his percentages on every bill paid under the fraudulent warrants were carried to his office, and often delivered into his own hand, without even a pretence at evasion. Now, however, his ostentatious accounting as chamberlain for interest on city balances stood him for a time in excellent stead, and, as he trembled over those ultimate disclosures which day by day grew more imminent, he must have ac-

counted the one apparently honest act of his whole bad life as his best investment. Thanks to it he was for the time being comparatively safe, and even as late as the close of the first week in October, Horace Greeley, over his own signature, wrote of him, "I have seen no evidence that Peter B. Sweeny is a 'public plunderer.' He has certainly kept very bad company, and has spent public money on the parks, etc., more lavishly than I can approve; but if he has either stolen himself or helped others to steal, I have no evidence of the fact."

While Sweeny with fear and trembling tried to assume this aspect of retired unconcern, Tweed and Connolly, though more discreetly silent, felt the pressure even more severely than Hall. They demeaned themselves each according to his nature,—the first as a coarse, bluff, good-natured, and surly bully; the last as a supple, whining craven. Unlike Hall, Tweed could neither write nor make speeches; but he was hunted out by reporters and did for a time talk contemptuously to them of the exposures, when he would have done better to have held his tongue. Connolly, on the other hand, neither talked nor wrote; he was probably too abjectly terrified to do either. At first, doubtless, he clung, as to superior beings, to Tweed and Sweeny, relying on the brutal strength of the one and the subtle cunning of the other to weather the storm. It was not long, however, before he rallied sufficiently to bethink himself of the infinite possibilities of deceit latent in all systems of accounts, and of his own recent and brilliant success with the informal committee of property-holders. He determined to try the experiment again. Accordingly, on the 4th of August, the Comptroller and the Mayor united in a card addressed to the Chamber of Commerce, asking that body to at once hold a special meeting and to appoint a committee of their number, which they suggested should be a "large and influential" one, "made up of well-known and upright citizens, to make a full and exhaustive examination" of the financial affairs of the city. Naturally, the proposition was met with the contempt and derision it merited. It was at once promptly declined by Mr. George Opdyke, the president of the Chamber of Commerce; and it was dinned into Comptroller Connolly's ears from every side that the accounts were to be published

and submitted to the body of the tax-payers in the manner provided by law, and not suppressed or reserved for the eyes of unauthorized committees, no matter how large and influential or well known and upright. Thus Connolly found himself no less unmistakably checked in his attempted move than Hall had been before him. Burying himself in his figures, the Comptroller then for a time became silent ; but with the Mayor this was impossible. The severe strain to which Hall was now subjected exposed in the broadest possible light his shallow, babbling nature, and he piteously blundered along, always painfully assuming the same jaunty, complaisant air, no matter how distressing or ludicrous his position might be.

Having utterly failed to suggest a tolerably satisfactory line of defence for himself and his confederates through the press, he next had recourse to an official message in which he declared that the payment of the Court House claims had been one condition of a bargain with the Albany legislators, in return for the abolition of the old and corrupt Board of Supervisors ; in this way implying that the fact that a body had been created by corruption justified its members in the commission of fraud. He added, with a strong element of what has since been defined as "superb audacity," but which is better known as shameless impudence, that there was nothing on the face of the bills "to suggest suspicion of bad faith to any one" ; and this with the warrants for thermometers, awnings, and carpeting passed by the Board of Audit not only before his own eyes, but eliciting ejaculations of astonishment from the readers of every paper in the country.

As if all this were not bad enough nor sufficiently calculated to fan the spreading conflagration, Mayor Hall had also the supreme folly to instigate a suit against the owners of the "Times," on the part of the city, as claimant, under an alleged defect of title, of the valuable estate on which the building in which the paper was published stood. Anywhere else such an exhibition of impotent malice would have excited nothing but derision ; in New York City, however, it was a serious matter. The Ring owned the judges. Barnard and Cardozo felt themselves hardly less involved than Tweed and Hall in the tempest which the "Times" was exciting. Under these circumstances

neither law nor precedent afforded the slightest reliance. The paper might be put in the hands of a receiver at a moment's notice, and its publication for a time practically suspended. There can be no doubt that this course was gravely considered, and was abandoned only when a deep growl of general excitement from far and near made clear its absolute madness.

Sophistry and falsehood and violence, under the garb of law, were now of little avail. They only made matters worse, and, plainly, there was nothing for it but to take refuge in silence. Instead of subsiding, however, the popular ferment increased, and spread throughout the State and the nation. The "Times's" figures were copied and commented upon by the entire press, and New York became the centre of universal and absorbing interest. One of the first and most important practical results of the revelations was to rouse the respectable Democracy of the city and State to a sense of the imperative need of freeing their party at once from its disgraceful relations with the Ring. During the month of August Mr. Samuel J. Tilden, who was chairman of the Democratic State Central Committee, held several conferences with Mr. Francis Kernan, Ex-Governor Seymour, Mr. Charles O'Connor, and Mr. Oswald Ottendorfer, all eminent and respectable Democrats, to consider the situation. A programme of action was laid down and agreed upon by these gentlemen, which embraced as its main points the cutting loose from the whole Tammany organization, as it then existed, with the purification of the judiciary and the Legislature. The great labor of giving effect to the plan was voluntarily assumed by Mr. Tilden, who, from beginning to end, both inspired and engineered this most dangerous of all the attacks on the Ring. He was indefatigable in his exertions, and neglected no means calculated to unite the decent elements of the party in favor of reform. Among other things he issued a circular letter to twenty-six thousand influential Democrats, in which he boldly declared that wherever the gangrene of corruption had reached the organization they must "take a knife and cut it out by the roots." He promised further that the present state of the local government should be made the subject of investigation and censure at the next State convention, and declared that the men who had caused the existing demoralization



“would have to go under.” This was strong language from a partisan politician, but it bore fruit in the hearty Democratic support of the reform ticket in the ensuing election, and in other undertakings which Mr. Tilden and his associates presently set on foot.

Meantime the excitement in New York had become intensified. Serious fears were felt that violent measures might be resorted to, to rid the city of its corrupt rulers, but fortunately cooler counsels prevailed. This was not only good in itself, but perhaps, also, it was well judged, in view of the important fact that in an appeal to force Tweed's proletariat was not to be lightly despised. So many persons were still absent from the city, enjoying the summer vacation, that the call for a public meeting was postponed until September 4th, thus offering to the members of the Ring and their creatures a chance, though a desperate one, of getting control of the movement and diverting it from its real object to the harmless pursuit of some scapegoat. Naturally, with such a piece of work to be attempted, Mr. Nathaniel Sands at once came to the front. About two weeks before the day fixed for the proposed meeting, this gentleman bestirred himself actively to organize, through the agency of the Citizens' Association, a reform meeting at the Academy of Music. The programme was a very simple one; indeed, it was much too simple. A vast cloud of dust was to be raised, from which a prodigious uproar on the subject of frauds and reform was to be heard, and then a committee of respectable figure-heads was to be selected for the work of investigation, which was to be carried just far enough to quiet the public, but not far enough to hurt.

Under ordinary circumstances, nothing is easier than to carry out, in New York City, a programme of this character. The city swarms with respectabilities, busybodies, and men craving notoriety; and individuals as astute as Messrs. Sweeny, Hall, and Sands knew exactly where to put their hands on the instruments they needed. The difficulty with them was, that they could not realize that the exigency was not a common one,—that the community was not to be put off with sounding nothings. Accordingly the efforts of Mr. Sands met with little encouragement. Citizens flatly refused to subscribe their

names to his call, and asked him questions in regard to himself of a most awkward character. Thoroughly discomforted, he soon abandoned his efforts, and the field was left clear for the real opponents of the Ring to organize.

The meeting of September 4th, when it at last took place, was a magnificent and imposing demonstration. A vast audience assembled and responded, in a manner not to be mistaken, to the clear, well-defined utterances of many able speakers. The venerable Ex-Mayor Havemeyer presided, and in his opening address vigorously struck the key-note of the occasion. Mr. Ottendorfer pledged to the movement the support of the German voters; while Mr. Tilden energetically expressed the views of all respectable Democrats. The resolutions usual on such occasions were passed, but, fortunately, this meeting did not stop with them. It took an additional step, and one of great significance. A "Committee of Seventy" was appointed, to protect the interests of the honest tax-payers of the city, and to make the resolutions practically effective.

This now historical body met for organization the very next day, and continued its deliberations, at intervals, for several months thereafter. It comprised men of diverse views and pursuits,—lawyers, judges, bankers, merchants, professors, soldiers, editors, authors, clergymen, and gentlemen of leisure. Its meetings, though held at inconvenient hours, were almost always well attended; and this fact alone, in New York, where it is so difficult to secure the steady attention of any body of busy men to matters of general interest, was very significant. The Committee of Seventy was, in fact, a vigilance committee, carefully keeping itself within the provisions of the law. The result of the labors of the committee may be summed up as follows: it investigated and confirmed, by positive proofs, the corruption which the press had unearthed; it instituted proceedings in the courts against numerous members of the Ring, and then turned over the cases to the proper authorities for prosecution; it gave moral support to the "Foley" injunction, so called, which otherwise would have proved abortive; the appointment of Colonel Stebbins to the presidency of the Park Commission was due to its influence, and put an end to the maladministration of that department; it rendered valuable ser-

vice in organizing the election of November, 1871, especially in the choice of candidates for office; it devoted much time and thought to the discussion and drafting of a charter, in which the minority-representation principle was embodied, and which, but for the executive veto, would have become law; finally, during two successive sessions of the Legislature, the committee's influence was also exerted to defeat corrupt measures, and to bring about the passage of good ones.

These services were commendable; and yet, in comparison with what was expected, and in view of the labor and time and money expended, they not only seem, but were disappointing. The "Seventy," in fact, was like other bodies of the same character; it was eminently respectable, but it realized too strongly that the eyes of the world were upon it, and, accordingly, indulged too much in posturing and debate, and not enough in steady work. Even of the work accomplished by it, much was ill-directed and wasted. It was greatly addicted to debating, but debate would never have brought about the downfall of the Ring. Its existence inspired public confidence, but it must be confessed that its deliberations might have continued indefinitely without accomplishing any very decisive beneficial results. Tweed and Sweeny, if they had at this time expressed their innermost sentiments, would probably have intimated a tolerably complete indifference to the debates and proceedings of the "Seventy," reserving their wrath and fear for the quiet, untiring sluth-like assiduity with which Mr. Tilden was ferreting out their wrong-doings, and pressing them home in the party stronghold. The "Seventy," doubtless, annoyed and worried them, but the chairman of the Democratic Central Committee was fairly hunting them to earth.

Throughout the earlier stages of the final struggle, the comments of the other New York City newspapers upon the course of the "Times" were in keeping with their previous tone toward the Ring. Jealous of the great prominence which that paper had suddenly attained, with hardly an exception they belittled the charges of corruption, and, for a long time, gave, at best, only a lukewarm support to the reform movement. The "World," whose columns, but eighteen months before, had fairly bristled with exclamation-points and capitals aimed at

Hall and Tweed, shamelessly defended these "notorious corruptionists"; and now it found fault with the Cooper Institute meeting, because the chairman and speakers "did not represent the best opinion of the metropolis," asking why Messrs. Astor and Stewart had not been invited to attend. The "Herald," which, at the time of the six-million theft perpetrated under the Board of Audit, had cynically asked, "Who cares, on either side, how the money comes, so long as it goes freely to the party?" and which contended that the city debt was a "mere bagatelle," now totally suppressed the published proofs of fraud, and briefly referred to the Cooper Institute meeting as a gathering of "highly respectable and substantial citizens," who had appointed a committee to investigate the "alleged charges." This indifference was probably due to the influence of Hall, who loved to boast of his great power in the "Herald" office, and whose interests were, indeed, always well protected by that journal. Even the "Tribune" was too much influenced by professional jealousy to heartily support the efforts of its rival; and upon the plea of avoiding, through "reckless denunciation of unpopular persons, to tickle the ears of the groundlings," it used language decidedly calculated to lessen the effect of O'Brien's figures upon the public. It spoke of Sweeny's "towering spirit," and of Hall as being only "ministerially responsible"; and it was not until Mr. Tilden's revelations of the Broadway Bank accounts that it openly denounced Sweeny and the rest as the vulgar thieves they were. The explanation of this unusual mildness of tone on the part of a journal the moral tendencies of which were usually so good, was not far to seek. Coming events already cast their fantastic shadows before. Horace Greeley was even then suffering under the presidential fever, which, the next year, led him miserably to his death, and was averse to meddling with local and minor issues, or making foes of possible allies. The "Star," which had received a not inconsiderable fortune in the shape of corporation advertising, did not desert its patrons, whom it described as "high-toned gentlemen, men of probity, of honor, sensitive to the stigma upon their party." The "Staats-Zeitung," the organ of the German Democracy, whose editor, Mr. Ottendorfer, was one of the

speakers at the Cooper Institute meeting, was the only New York daily which earnestly seconded the "Times." This paper stoutly denounced all compromise, and said that reform must be *gründlich*. As the large German vote of the city followed close in its wake, the adhesion of the "Staats-Zeitung" to the reformers, at this time, was of vital import.

The tone of the Cooper Institute meeting, and the prompt organization of the Committee of Seventy, dissipated the last faint hope in the bosoms of those composing the Ring that the excitement would blow over. They had already held many stormy conferences, at which mutual denunciation was indulged in. The bonds of self-interest, which alone ever held them together, were now broken, and each one sought only his personal safety. They, in fact, stood in pressing need of a "vicarious sacrifice," as the proposed victim subsequently termed it, but their Jonah was evidently to be no volunteer. That the ship had got to be lightened no longer admitted of doubt; but who was to be thrown over, and by whom, was a perplexing question. Sweeny and Hall, by virtue of natural sympathies, joined forces against Tweed and Connolly, and were soon ready with a programme, under which Connolly was to be indicted, and so abandoned to angry justice, while Tweed was to be induced to resign, and retire precipitately to Europe. As respected Connolly, the scheme was, from their point of view, fair and wise enough; but it seems inexplicable that any such design should have been gravely entertained by his confederates for sacrificing Tweed, as he had more friends than all of them united. Hall, nevertheless, began operations by plainly informing Connolly that "he must go"; and this private demand was at once publicly seconded by the "Herald," which called on Tweed also to resign. The strongest pressure was now brought to bear to force the Comptroller out of office, and, among other things, the city debt was declared to be two hundred millions, and its existence was laid wholly at his door. Connolly, however, stood his ground and would not yield, though he was in a state of abject terror, and was quietly disposing of his property against a time of trouble. On September 6th his wife transferred half a million of United States registered bonds to his son-in-law, Joel Fithian, for

safety, yet still retained three and a half millions of the same securities,—showing how very provident her husband had been in better days.

Events were now rapidly approaching a climax. On September 7th a citizen named Foley, president of one of the ward reform clubs, but who had previously held rather close relations with the Ring, applied to Judge Barnard for an injunction, which, if granted, would compel Connolly's retirement from office. It sought to confine the city authorities within the limit of the tax levy of two per cent authorized by law, and prohibited the Comptroller from any further issue of bonds. The move was entirely an individual and irregular one; the petitioner, as an individual tax-payer, under well-established decisions of the Court of Appeals, was in no way entitled to represent the public, and his motion for an injunction should at once have been denied. A hearing was had on the 8th, at the close of which, instead of taking the papers for examination, or giving a moment's consideration to the case, Barnard, in his usual off-hand, reckless way, said to the counsel, "You are entitled to this order, sir; I will grant the injunction." The court-room was crowded with excited reformers, who received the unexpected decision with a prolonged burst of applause, and for a few days even judicious persons spoke as though Barnard had undergone a new birth, and become a shining light of reform. Even the "Times" allowed itself to be, or from motives of policy pretended to be, deceived, and announced with an air of great satisfaction that all the vigor of Barnard's character was enlisted on the side of purity and reform. The fact was that Barnard was acting on a complete understanding with Sweeny. His order was aimed, not at the Ring but at Connolly; and indeed, if it was suffered to remain in force, it was hard to see how that individual could long remain in office. The city treasury was practically closed. On the 15th, after a long argument, the injunction was made permanent, Barnard, in his decision, commenting very severely on the Comptroller. These proceedings at the time attracted far more attention than they deserved, being, in truth, a mere *coup manqué*, as became apparent so soon as the order began to pinch Tweed as well

as Connolly. It was then gradually and quietly modified away. This "joke of George Barnard's," as Mayor Hall termed it, was perpetrated on the 8th, and on the night of the 10th the Comptroller's office was broken into, and a number of vouchers, one hundred and forty-one in all, for county work performed by Keyser and other contractors, the signatures to which had in many cases been forged, were stolen, and it is believed burned. By a lucky accident ten similar vouchers were passed over by the thieves, and afterwards proved of great service in the suits against Tweed. This robbery, it is supposed, was committed by some one in the confidence of the Ring, and from within the Comptroller's office, with the object of removing certain dangerous documents which had been required by the joint investigating committee previously appointed by Hall. At this time, however, a general destruction of all books, papers, accounts, and memoranda relating to city affairs was going on. Tweed had directed Ingersoll to at once make way with his, saying to him, "That's Peter B. Sweeny's advice, too"; and Ingersoll had not only lost no time in obeying him, but had also passed the word to Garvey and Miller, who had done the same. Doubtless the vouchers which were stolen from the Comptroller's office contained evidence of transactions which the Ring would gladly have destroyed; but the thing was done so clumsily, so partially, and with such evident ignorance, that it is difficult to avoid the conclusion that its chief object was, not the destruction of the papers, but to throw suspicion upon the person intrusted with their care. It certainly had that effect, and the popular outcry was loud against the Comptroller. Hall at once took advantage of this, and turned sharply on his confederate in crime. On the 12th he addressed him a formal letter, in which he expressed himself in this almost ludicrously characteristic way: "With great personal reluctance I officially reach the conclusion that the exigency requires your retirement from the head of the finance department. . . . I cannot suspend any head of department, not even pending an investigation. I can only prefer charges to the Common Pleas, who alone can remove, after a considerable time for trial. I am compelled to throw myself, therefore, as Mayor, upon your magnanimity, and ask under the circumstances for your resignation."

The move on Hall's part was an ingenious one, and brought to his side a large portion of the press and the honest public feeling which clamored loudly for Connolly's instant resignation. That he could not long sustain himself was apparent enough to all, and most of all to those who were immediately around him and witnessed the abject terror of the wretched malefactor. The vital question, however, was, Who is to succeed him? The struggle was over the succession. The Mayor and his confederates were straining every nerve to secure for themselves the appointment of the new Comptroller, confidently hoping that if they could but do so the frauds might yet be concealed, and the storm, so far as they were concerned, blow over. In this attempt they were now receiving the active assistance of a large portion of their adversaries. The game, they evidently thought, was not yet lost. Again they were disappointed. Mr. Tilden suddenly stood in their path.

It was on the evening of the 11th that Mayor Hall had thrown himself on the magnanimity of Mr. Connolly, suggesting the process of *hari-kari* to that gentleman in so insinuating a manner. On the 12th Connolly had mustered a sufficient degree of courage to inform him that he was "unable to submit himself as a vicarious sacrifice to satisfy the hungry appetite of adversaries for a victim," and that consequently he declined to resign. Having thus closed the correspondence, the wretched man abandoned himself to despair. He knew perfectly well that his position was wholly untenable, and that his old associates would have no mercy upon him. He was liable at any moment to arrest and imprisonment. The whole world was against him, and he was alone with his cowardice. In his utter wretchedness he finally bethought himself of Mr. Tilden, and through a friend begged for an interview. Somewhat surprised at the request, and not knowing what might come from it, Mr. Tilden appointed a meeting for the morning of the 15th. Then and there Connolly poured forth his whole soul. He showed the position in which he stood, and explained how the members of the Ring were planning to spring in on his fall, and to make themselves parts of a new system,—leaders in reform. He applied for advice and protection. Declining



to be his legal counsel or in any way to act for him, Mr. Tilden then frankly told him that he must resign his office, but on no account into the hands of his former confederates. The question then arose about his procuring money to carry on the city government, notwithstanding the "Foley" injunction, and on that point Mr. Tilden desired time to consult with others, and deferred the rest of the interview until the evening. In the mean while Mr. Tilden notified Mr. Havemeyer that his presence was needed, and when the time came that gentleman was on hand, but Connolly was not. His courage had again given out. After some consultation it was decided that Mr. Havemeyer should then go directly to Connolly's house and find out what was the matter. He did so, and found him lying in his bed, sick and ready to give way under the sense of pressure, which he said was "crucifying him." After giving him such encouragement as he could, and so "putting some back-bone into him," Mr. Havemeyer left, having, as requested by Mr. Tilden, appointed another meeting at that gentleman's house for the next morning, to which Connolly promised to come, accompanied by his counsel.

This anxiety on Mr. Tilden's part for a renewed interview was due to the fact that, on examining the laws after Connolly left him in the morning, he had noticed a singular enactment authorizing the Comptroller to appoint a deputy, and to confer upon him for a definite period all his own official powers. This clause had been slipped into the act to enable Mr. Connolly to take a trip to Europe, which for some time he had desired to do; but Mr. Tilden instantly saw that the power therein conferred was equally available for the appointment of a deputy with full powers, and with the Comptroller yet remaining nominally in office, though in New York. Here, then, was the key of the situation. The reformers must take possession of Connolly, and through him and in face of his confederates, seize on the city treasury. That evening Mr. Tilden prepared the necessary papers, and the next morning at ten o'clock Mr. Havemeyer, Mr. Connolly, and that gentleman's lawyers appeared. On the way one of these last stepped in to see Mr. P. B. Sweeny, who had at once been ready with his suggestion. It was that Mr. Connolly should resign, that a man of sufficient

character to assume the whole work of investigation should succeed, and that Connolly should himself be protected. This course was strongly urged at the conference ; but Mr. Tilden objected to allowing any voice to the Ring in the matter of filling the succession, and he carried his point. Among those present at the interview was Mr. Andrew H. Green, and him Tilden suddenly designated as Connolly's deputy. A reluctant assent to this arrangement was at last extorted, the papers were speedily executed, and Mr. Connolly left the house only to accompany Mr. Green to the City Hall, there to install him in office as Deputy-Comptroller. Thus Mr. Tilden had actually appointed a city treasurer, and by so doing seized the very stronghold of the Ring.

It was a veritable *coup d'état*, and felt to be such by Mayor Hall. That official at once realized the extent of his own folly in asking for Connolly's resignation on the ground that he had no power to remove or even to suspend him. Had he been equal to the occasion he would, instead of so doing, have assumed the necessary power, and forced the Comptroller out of office at any cost, so creating a vacancy for himself to fill. It was too late now, but the wretched jester's powers of blundering did not fail him. Refusing to recognize in any way Mr. Green as Deputy-Comptroller, he suddenly found himself illumined as to the extent of his own power as Mayor, and wrote a new letter to Connolly, in which he removed him from his office, giving as his ground for so doing that the "power of removal exists as an incident of the power of appointment, and that the process of impeachment is a merely co-ordinate but not conflicting power, to remove in effect an impeached officer by procuring a vacancy." He then at once appointed General George B. McClellan to the vacant office, and had the pleasure of seeing that gentleman promptly decline. That day the excitement about the City Hall was very great. An attempt to eject the new deputy by force was anticipated, under cover of an injunction, or some other order of court, and every preparation, including the presence of a number of armed men in the Comptroller's office, was made to resist it. Mr. Tilden's services were again in active requisition. Knowing full well that freedom from doubt as respects the law was no security at all in presence of

the Ring judges, and not being so childish as to share in the new-born confidence in Judge Barnard's ardor for reform, he felt the necessity of bringing every possible influence to bear. He accordingly sought out Charles O'Connor, and obtained from him a volunteer opinion affirming the validity of Mr. Green's possession. A carriage was kept in waiting, ready to take Mr. Tilden armed with this document to Judge Brady, and the plan was to get that magistrate to vacate the fraudulent orders of the Ring judges as fast as they could issue them. Such a scandalous judicial conflict would probably have been possible in no other civilized community in the world; but in New York it was not only possible, but would have been a mere repetition of what had taken place only two years before, during the raid of Fisk and Gould on the Albany & Susquehanna Railroad, when Judge Peckham at Albany had rapidly vacated the rapidly issued orders of Judge Barnard in New York. In the present case the immediate publication of Mr. O'Connor's opinion obviated the necessity of having recourse to this dangerous expedient. The question of Mr. Green's right to his position had been referred by Hall to Mr. O'Gorman, the corporation counsel. Unscrupulous as he was, that official did not, however, venture to dispute so high an authority as Mr. O'Connor, and therefore advised the Mayor to acquiesce. Then, as was fit and proper considering the harlequin character of A. Oakey Hall, all the noise and bluster tapered off in one poor, weak pun. Summoning the newspaper reporters to his office the next day to give them some official announcement, he jocosely received them with this reference to the yesterday's excitement and to the clothes he then had on, "Gentlemen, some of you yesterday said that I had received a severe check, and, *in testimonium veritatis*, I have, as you see, put on a check suit."

The effect of this transfer of power was momentous. It once for all divided the control of the city administration, and checkmated the operations of Hall, Tweed, and Sweeny; still more important, it protected the records on which all legal proceedings had to be based, and thus supplied clues to the subsequent discoveries of Ring crimes. Indeed, every investigation afterwards made was the fruit of the possession of the Comptroller's office by the reformers, and but for this suc-

cess it is safe to say that Tweed and his fellows might still be exerting a paramount influence in New York political affairs. Last and most important result of all, this move in the game fairly blocked for the Ring its most promising avenue of escape, — it finally drove them to bay. It was no longer possible for them to hope to divert public attention from themselves by means of a “vicarious sacrifice.” Sweeny’s carefully laid plans were thus completely baffled, and it now only remained for his associates to have recourse to Tweed’s brutal reliance on the voting power of a perfectly ignorant and thoroughly corrupt constituency. The Ring was fairly driven home into its last stronghold.

Upon his accession to the comptrollership Mr. Green refused payment of all uncertain claims. No less than eighty different authorities had incurred debts for the city, and in many cases there was no proof, nor even a record, of such obligations. The accounts of most of the city officials were, moreover, in disorder. Salaries had been overdrawn, and many of the officials were indebted to the treasury. In all these and numberless similar cases Mr. Green refused to pay out any more claims until the courts had established their correctness. As a result of this rigorous course a saving of several millions was effected, amounting in one instance, that of corporation advertising, to a reduction of ninety-one per cent in the annual outlay. Among the still unsettled accounts, however, is Sheriff O’Brien’s famous bill for \$200,000, which led to the exposures in the “Times.” A special commission was appointed in 1873 to audit and so finally dispose of this claim, but O’Brien, either not approving of the men composing the board, or considering the times inauspicious, never brought the matter before it. This historical account, therefore, still remains an element in city politics.

Though the Ring was now fairly dislodged from the city treasury, and the fact of enormous frauds having been perpetrated established beyond all question, yet no specific acts of plunder had been traced to any individual, nor had the system under which the members of the Ring divided their booty, if any such existed, been discovered. While investigating certain warrants drawn in favor of Keyser & Co., the in-

dorsements to which were alleged to be forgeries, Mr. Tilden struck upon a clew which induced him to examine the books and papers of the Broadway Bank, where not only the city but the individual accounts of several members of the Ring had been kept. On comparing the books, memoranda of deposits, and city warrants, he speedily became convinced that some undiscovered rule of proportion ran through them. He then set experts to work, and after some ten days of patient puzzling was rewarded by the discovery of the whole system of division. The accounts of Tweed, Connolly, Sweeny, Watson, and Woodward in various banks showed that on every warrant in favor of certain persons, the first named received about 24 per cent, the second 20 per cent, the third 10 per cent, and the last two 5 per cent each. The proportions, however, were not absolutely exact; the variation it is true was not great, being less than 2 per cent, but still it existed. The perfect accuracy of Mr. Tilden's conclusions was demonstrated at last when, long subsequently, the Ring contractor, Ingersoll, having turned state's evidence, explained this variation. It seems that, not content with raising each bill so that the original charge was reduced to 35 per cent of the whole, these absolutely insatiable thieves had also caused the warrants to be antedated, in order that interest might be charged from such date to the time of payment. In this interest Tweed, for some reason, did not share, nor did it appear on the face of the bills, being computed subsequently to their approval and included in the warrant. Its presence, therefore, caused the greatest difficulty in the investigation to Mr. Tilden, and only when it was accounted for was the accuracy of his results absolutely verified. The success of this investigation was the most important link in the whole chain of evidence against the Ring. It made it complete. At last the mask was completely torn from the face of Peter B. Sweeny, and he stood exposed with the rest. Up to this time the Ring had through him maintained a sort of dubious footing in the possible measures of reform; and only a few days before the Broadway Bank discoveries the Ring organs had eagerly suggested that if men like Mr. Sweeny and Mr. Tilden would only act together, all would yet be well. This was over now. His share of the plunder was directly

traced into the hands of each one of the confederates, and the legal evidence on which the subsequent actions for its recovery were based was complete.

Having failed in his well-meant efforts to make Connolly the "vicarious sacrifice" for the Ring, Hall next essayed to clear his own skirts from suspicion. Accordingly on the 19th of October he appeared before the grand jury, and was duly "investigated." All the more prominent assailants of the Ring government, including Messrs. Green, Spaulding, Copeland, Havemeyer, Storrs, Stebbins, Schultz, Tilden, Ledwith, O'Brien, Booth, and Jones, were subpoenaed as witnesses. District-Attorney Garvin, a professional and personal ally of the Mayor, conducted the examination, and was successful in so far as he compelled most of the witnesses to admit that they had no actual "knowledge" of Hall's culpability. An unsuccessful effort was made to show that the frauds "began in the Comptroller's office and ended there," and that Connolly and Watson alone were responsible for them. Mr. Havemeyer was asked if he had not in auditing bills, while Mayor, sometimes signed them upon trust, as was Hall's custom; but he denied that such was ever his practice, excepting with warrants for trifling sums. Mr. Jones, publisher of the "Times," was pressed to supply proof of the charge made in his journal that Hall was a "thief," but could only cite O'Brien's figures and other public evidence as a basis for the assertion. As evidence that Hall had not profited by the Ring frauds, Mr. Brown, his law partner, estimated his fortune at only \$60,000, and showed by his bank balance that he had not been in the receipt of any large sums of money for two years before. After hearing this evidence, and without cross-examination or any effort to probe the matter further, the grand jury dismissed the charge, but at the same time condemned the Mayor for carelessness and neglect.

Ordinarily the proceedings of grand juries are secret, and it is a crime to reveal them. A full report of the examination of Mr. Jones appeared, however, in the "Tribune," with editorial comments upon the sinfulness of its rival the "Times" in making charges against a public official which it could not sustain in court. Subsequently the entire evidence was printed in a pamphlet and widely circulated by Hall.

Simultaneously with Connolly's open break with the Ring, the latter were relieved of the presence of another of their associates, whose absence at this juncture had become most desirable. Andrew J. Garvey, whose plastering contracts for the new Court House had given him so wide-spread and unenviable notoriety, had early taken alarm at the popular ferment. He at first sought aid and counsel from Hall, who assured him that there was no cause for fear; and when Garvey asked if there was any danger of his property being tied up, the Mayor sagely replied, "Who is there to sue?" This encouragement did not prove lasting, and the terrified Garvey let drop, in his efforts to defend himself from accusation, hints that the responsibility for the frauds rested upon Tweed and Woodward rather than upon himself. Word was quickly conveyed to the great Ring-master that Garvey was likely to "peach," and it was decided that he must immediately be gotten out of the way. A desperado named J. Hennessy Cooke had an interview with the great plasterer, and very plainly assured him that if he said or did anything to injure "the old man," as Tweed was generally called, he would be murdered. "The job has been put up," he encouragingly added, "and I am to do it. There won't be any pistols or noise, but you will be got out of the way so that nobody won't know how." Doubtless the parties knew their man; at any rate this threat, backed up by the persuasions of Walter Roche, another of Tweed's henchmen, who promised Garvey that his interests would be well cared for in his absence, induced the latter to abscond. He sailed for Europe September 21st, and his former allies took good care to ascribe his voluntary exile to conscious guilt. They even pretended, though without securing any converts to the theory, that the different contractors had stolen all the money.

One by one, in fact, the lesser birds of prey were now taking the alarm and seeking safety in flight, greatly to Tweed's relief. After Garvey was gone the leaders of the Ring effected settlements with his brother for work he had done for them individually. At an interview held for this purpose, Tweed remarked that the only person whom he then feared was Woodward, and that "he wished he was dead." Woodward,

however, had early placed himself beyond his reach, having followed in Garvey's footsteps after a brief interval, proceeding first to Montreal, and from thence crossing to Europe. Excepting Sweeny only, Woodward seems of all the gang to have best looked out for his own interests. With a cat-like regard for his personal safety, though closely tracked by detectives, he constantly evaded them. No one knew more than he of the inner secrets of the Ring, yet he showed no disposition to reveal them, and, far from reciprocating Tweed's unkind wishes, he always professed great regard for his patron in crime, and declared that on no account would he injure him in any way.

On the 5th of October the Democratic State Convention was held at Rochester to nominate a ticket for the coming election. This was considered by both the Ring and its assailants an event of the first importance. Mr. Tilden had made elaborate preparations to control the convention and to induce it to totally cut off the existing Tammany organization and cast it out from all party association. The nomination of Mr. O'Connor as a candidate for the attorney-generalship was an important feature of his programme. In order to insure an issue he also, at the proper time, called together a meeting which appointed a reform delegation to dispute the right of the regular Tammany delegates to represent the city in the convention. The proceedings of that body when at last it met resembled not a little those of its predecessor held in the same city two years before. Gangs of New York ruffians, transported free of cost over the Erie Railroad, packed the hotels and other places of meeting. Threats of personal violence were freely uttered against any one who should venture to interfere with the will of the Ring, and it was even declared that the convention would be broken up by force if the anti-Tammany delegates were admitted to the floor. Intimidation, seconded by liberal bribes administered by a notorious lobbyist named A. D. Barber, did its work; and Mr. Tilden, as he subsequently himself admitted, demanded too much when he suddenly called on a political party in a closely contested State to lop off from itself an organization which employed twelve thousand voters, disbursed thirty millions of money each year, and controlled the judiciary, police, and election officers of the largest city of the



continent. The Ring consequently secured a partial triumph, or rather saved itself from overwhelming defeat, by forcing through a vote without debate under the call for the previous question, omitting New York wholly from the roll of delegates, and excluding both the Tammany and reform representatives. This adroit move gave Tweed, who was present, the practical control over the convention. A State ticket, not unsatisfactory to him, was nominated. Mr. O'Connor was rejected for the attorney-generalship by a large majority; while, as a further indication of spitefulness to the reformers, Mr. Kernan's seat was contested by a member of Governor Hoffman's staff. The sanguine expectations which Mr. Tilden had entertained were thus far from being realized. Had they been, the fate of the Ring would then and there have been sealed, as it would have had no chance in the election with both party organizations arrayed against it. As it was, it had secured a reprieve. Mr. Tilden none the less boldly denounced it, laying down the programme which was to be carried out in the coming November in the following language: "I am free to avow before this convention that I shall not vote for any one of Mr. Tweed's members of Assembly. (Hisses and uproar.) And if that is to be considered the regular ticket, I will resign my place as chairman of the State Central Committee and help my people to stem this tide of corruption." In the words of the "Times," "no portion of the blame for the suicidal course of the convention attached to Mr. Tilden"; but Tweed was, none the less, so elated by the result that he at once telegraphed to Hall to make no further concessions in his own case or that of Connolly until his return.

A distinct reaction in the popular movement was perceptible after the Rochester convention. The proceedings of that body had operated like a bucket of cold water emptied full in the face of an excited man. Nor was this any occasion for surprise. Now that the first access of enthusiasm had passed away, the more thoughtful among the voters of New York began to realize the magnitude and difficulty of the task they had undertaken. The more they contemplated it, the less they liked it. They had undertaken to oust a wily and utterly unscrupulous foe, full of resource, intrenched in office, in ab-

solite control of the whole machinery of election, and looking for support through the forms of universal suffrage to a solid, immovable rock-bed of ignorance, crime, and corruption. Accordingly nearly a month was now suffered to elapse without any marked change in the position of affairs. Much was meanwhile done in the way of negotiation and conference, but it was finally concluded to await the issue of the pending charter election in November. The prevalent feeling was not hopeful as to the result, and shrewd observers predicted that Tammany would return more than half the candidates. Even Mr. Tilden was not over-sanguine; while the "Times," within a fortnight of the election, confessed to the hopeless feeling of the days which preceded the exposures of July.

And indeed these fears were justified by the signs of returning confidence and strength in the Ring. On September 24th Tweed had been unanimously re-elected chairman of the Tammany General Committee. His renomination to the State Senate followed closely on his victory at Rochester, and was made the occasion for a "magnificent demonstration" in his behalf on the part of a constituency which, dwelling, as it did, in the lower wards on the east side of the city, probably embraced a larger percentage of vice, ignorance, corruption, and depravity than any other equally numerous body of voters in the United States. These honors encouraged him to resume his old braggart tone. As late as October 30th he told a "Herald" reporter that he would neither give up the presidency of the Board of Works, nor withdraw from being a candidate to the Legislature. He meant "to fight it out to the bitter end," and he would not gratify those who were "warring against him for political purposes" by resigning. The most reckless of the Ring organs, the "Star," announced that "the Tweed flag was nailed to the mast," and in doing so it well described its patron's defiant course. Woodward and Garvey were out of the country, and Ingersoll and the other depositaries of dangerous secrets could be relied upon not to betray them. So Tweed once more felt tolerably secure. He explained nothing and denied nothing; but he sturdily stood his ground and demanded, in a tone of insolent defiance, "What are you going to do about it?"

Mayor Hall, in an interview between Mr. Tilden, the editor of the "World," and himself, at about this date, very frankly developed the plans of the Ring, which were sufficiently simple. They expected to re-elect certain candidates to the Legislature from the city, and by the aid of these and eight Republican senators from the interior of the State, whom Tweed had a right to depend on for past favors shown them, they hoped to maintain their position. Sweeny's brother-in-law, Bradley, was nominated in the seventh senatorial district against O'Brien; "Mike" Norton, "Tom" Fields, "Prince Harry" Genet, and "Alec" Frear, were also candidates for the Legislature; while the professed reformer Ledwith accepted a nomination to the Supreme Court bench. The entire resources of the Ring were employed to insure the return of these men; and, flushed with their late victory at Rochester, Tweed and his allies felt confident of success. It was the last rally of the "Old Guard" at the Tammany Waterloo, and on the result the lesser magnates of the Ring staked all their resources. The reformers, on their part, were not idle. Unusual care was taken to choose candidates who would harmonize political differences, and, for perhaps the first time in New York City annals, the friends of honesty and decency were united on one ticket in a local canvass. The German element was conciliated by the nomination of General Sigel as Register; O'Brien and O'Donovan Rossa attracted the Irish vote; the judicial candidates were respectable and popular; while the entire reform ticket was indorsed by the Committee of Seventy and by many other leading citizens. Charles O'Connor declined a legislative nomination, but Mr. Tilden accepted one and labored hard in the canvass. Thus the friends and foes of the Ring stood over against each other ready for the contest.

No election was ever fraught with more vital consequences to those concerned, or was more eagerly and anxiously expected. The Chicago fire and the visit of the Grand Duke Alexis, two events which at any other time would in New York have been of paramount interest, now attracted but comparatively little attention. On the Sunday before the election eleven eminent clergymen preached upon the topic with which all minds were full, and exhorted their hearers to vote as good

citizens should. Numerous Young Men's Reform Associations had been organized, and in them the possibility of a resort to force outside of the law, in case a fair ballot could not be obtained, was freely and seriously considered. The students of the New York University, to whom Hall had but lately lectured with applause, tore down the Mayor's portrait from their walls, and other equally significant indications of a thoroughly aroused public feeling were not lacking. The registration was unusually large, despite the lessened number of fraudulent entries, and by common consent most of the stores were closed, business was generally suspended, and voting was made the prime object of the day. Even A. T. Stewart, who like other rich men bore no ill-will to the Ring, gave all his clerks leave of absence. The streets were silent and deserted and had a Sunday aspect, excepting immediately about the polls.

Strong fears were entertained that a disturbance would occur, and, with the warning of the Orange riot on the 12th of July fresh in their minds, the authorities made ample preparations for such an emergency. Governor Hoffman came to the city, and remained all day at the Clarendon Hotel. The entire police force was on duty, and the headquarters, on Mulberry Street, resembled a fortified post. Huge express-wagons, drawn by six horses, stood ready to convey a reserve force to any scene of disorder; while four regiments of militia were under arms, the well-known Seventh turning out six hundred and ninety-seven strong.

But the policy of the Ring was not warlike, and no disturbance occurred. They wisely preferred to depend on the old and well-understood machinery for manipulating votes, and this was brought into very perfect play. The notorious Cornelius Corson was chief of the election bureau; while Superintendent Kelso, another pliant tool of the Ring, after consulting openly with Sweeny and Bradley, directed that the police should have charge of the returns, thus affording a convenient opportunity for fraud. But the reform leaders were aided by O'Brien and others, adepts in election frauds, and hence they were able to frustrate many nicely matured plans. When repeaters were detected, they were arrested and taken to the armories for safe custody; and thus there was

no chance to obtain their discharge by the courts, as had been the practice in former elections. These and other like measures greatly reduced the number of frauds, excepting in certain districts, where the Ring had full sway, and, in these, things were indeed ordered with a high hand. In Tweed's own district the votes for O'Donovan Rossa, his opponent, were systematically thrown out or not counted, and one of his supporters was brutally beaten. Here also the practice of repeating was resorted to, without a pretence of disguise, and voters were registered by the score from theatres, bar-rooms, stables, lager-beer saloons, shops, and places where few, if any, real residents were to be found. The most conclusive proofs were afterwards collected of this fact, for use to prevent Tweed from taking his seat in the Senate.

When, at last, night fell and the polls were closed, the final count set all doubts at rest. Democrats and Republicans, without distinction, had voted solidly for the reform candidates, making a change of twenty-three thousand votes in the city, and nearly fifty-two thousand in the State. The result, on the Supreme Court ticket, indicated that no less than ninety-five thousand four hundred and eighty-eight votes had been transferred from the Ring to its adversaries, — one of the most remarkable political revolutions in the history of the country. Tweed and some of his henchmen, it is true, were returned, but the Ring was absolutely routed and its political power forever destroyed. Just previous to the election, Nast had well expressed the prevalent feeling in a masterly cartoon in "*Harper's Weekly*," representing the members of the Ring as a group of vultures, perched on a lofty crag around which the lightning played, "waiting for the storm to blow over." In the issue succeeding the election, Tammany Hall was shown in ruins, with different members of the Ring buried amid the débris, while Hall hung in ludicrous fear from a tottering fragment of wall, and Sweeny, carpet-bag in hand, sought safety in flight. The sketch bore the expressive caption, "*Something the Storm has Blown Over.*" The good effects of the election were immediately apparent. Public confidence was restored, and real estate and other property were quoted at a considerable advance; for not only was a stop put to direct plundering, but

the change in the personnel of the Legislature gave promise of many reforms, including the speedy impeachment of the corrupt judges, without which the victory would have been indeed barren of results.

Many obstacles intervened, however, before these wished-for results could be attained. By the threat of prosecution, Frear and Fields, whose election had been manifestly fraudulent, were prevented from taking their seats in the Legislature, and they both presently fled the country. Sweeny, however, surpassed all his associates in pusillanimity. Immediately after the election, he announced, in a card, his acceptance of the defeat of the Ring as final, and his entire withdrawal from public life. Having done this, under pretence of ill-health, he took refuge in Canada.

Even before this, the public-spirited Mr. Nathaniel Sands had retired from that stage on which he had long played a prominent and, to himself, very profitable part. On the evening of October 23d Mr. Peter Cooper learned that, by a secret agreement with Connolly, Sands received a liberal commission for negotiating city loans, and that seventy-five thousand dollars had already been paid to him on that account. On an explanation being demanded, the ex-secretary of the Citizens' Association admitted the fact, and immediately produced and read an elaborate written defence, intended for publication in the papers. The eyes of Mr. Cooper and his respectable associates were at last opened to the wretched hypocrite's perfidy, and his resignation of membership in the Citizens' Association was demanded and given in the briefest form. Thenceforth he passed from the stage of active public life into well-merited obscurity. But upon the very day after the election, his late associates in the Board of Education, with almost ludicrous haste and without solicitation, rescinded the resolution proposed by him, and passed one year previously, striking off the publications of the Harpers from the list of school supplies.

The election being over, it now remained to energetically press to a conclusion the legal proceedings already initiated against the several members of the Ring. They, of course, expected no mercy; they well knew that it was *væ victis* to whosoever went to the wall in that contest. The first direct

step looking to their prosecution had been taken about the middle of October, when a deputation from the Committee of Seventy called upon Governor Hoffman and asked his official aid in the work. Hoffman, who had thus far maintained a policy of masterly inactivity in relation to the misdeeds of his quondam associates, could not refuse this request. He suggested "accidentally," as Mr. O'Connor said, the establishment of a New York branch of the Attorney-General's office, to be in charge of Messrs. O'Connor, Evarts, Peckham, and Emott, as a Bureau of Municipal Corruption. This suggestion was adopted, and Mr. O'Connor and his associates were delegated, with full authority from the Attorney-General, to prosecute the perpetrators of the frauds, and every facility for pushing matters to a successful issue was afforded the new bureau. Thus the vital question raised by Hall, in his talk with Garvey, — "Who is to sue?" — seemed satisfactorily settled. Unfortunately, however, owing to technical omissions and errors at the very start, the legal representatives of the people had afterwards to endure much mortification and delay.

In consequence, as Mr. O'Connor expressed it, of "the strictly local character of criminal proceedings, and the servility of the local judiciary," civil actions were begun in the name of the State against Tweed, Woodward, Ingersoll, and Garvey. This statement, however, did not really express the full difficulty of Mr. O'Connor's position. The city law officers were wholly unreliable. To begin actions in the name of the city, therefore, would have involved the introduction of enemies into the camp. This would certainly have resulted in complete failure; and it was, therefore, as a mere choice of evils that Mr. O'Connor finally concluded to take the risk of proceeding in the name of the people, which at least left him the benefit of a doubt. Mr. Tilden's investigation into the Ring accounts in the Broadway Bank, and the affidavits of Keyser, that the ten warrants in his name found in the Comptroller's office, and which had escaped the voucher thieves, were fraudulent, supplied a basis of evidence for the indictments. An order of arrest was served upon Tweed on October 25th, and on Ingersoll about the same time, but neither Woodward nor Garvey could be found. Bail was fixed at a million dollars in each case, and both defend-

ants at once busied themselves in the effort to obtain the necessary sureties. Great difficulty was found in getting bondsmen for so large a sum. Jay Gould, Benjamin Wood, Hugh Hastings, and Terence Farley were reported at the time to have offered themselves sureties, and the latter even justified as a bondsman. When, however, he learned that he would be liable for the whole bail, in case of the failure of the other bondsmen, he refused to serve, and the amusing spectacle was presented of a surety running about in hot search of his principal, in order to be released from his obligations, while the latter sought in every way to elude him until a substitute could be obtained. The time allowed for justifying bail expired, but was extended on Tweed's behalf, who finally transferred a large amount of real estate to one of his sons, thus enabling him to qualify, and then, by the aid of two or three of his friends, the balance of the bail was obtained. These transfers were made November 21st. On the 29th of the same month, only eight days too late, an order was obtained from Judge Brady restricting Tweed from conveying away his property.

At the instigation of Hall, whose activity and ingenuity were incessant, though they always came into play a day too late, a feeble attempt was now made to neutralize the action of the Bureau of Municipal Corruption. Corporation Counsel O'Gorman seemed suddenly to become conscious of the fact that some unusual events had transpired, and instituted counter suits against Hall himself, as well as against Tweed and Conolly, though prior to this time he had been singularly deaf to earnest appeals from many quarters that, as official law representative of the city, he should initiate some proceedings against the corrupt heads of departments. Now, however, a great show of activity was made, but, in the words of Mr. O'Connor, it was of a "sleepy sort." These proceedings were, in point of fact, merely collusive, and as such begun by summons alone, without complaint, warrant of arrest, attachment, or injunction, and with neither the assent nor knowledge of the Attorney-General or his associates. Their main object, in short, was well described by Mr. O'Connor as an effort "to entangle justice in the net of form." This phrase, indeed, perfectly describes the whole action of the city law department



in relation to the Ring suits up to a comparatively late date. Instead of aiding, they only hampered the Attorney-General and his associates.

And now, at last, the Ex-Comptroller's turn had come. Despite the important service he had rendered the reformers by making Green his deputy, no pledges had ever been given him that he would not be held responsible for his misdeeds. His quasi resignation had been forced upon him as a choice of evils, and afforded small ground on which he could rest a claim to the undisturbed enjoyment of his plunder. He had been indicted with the rest, and now Mr. O'Connor showed no disposition to leniency towards him. The miserable man knew not what to do nor where to turn. With a miser's grip he clung to his fraudulent gains, and refused either to make full restitution or to turn state's evidence. His bail was large, — a million dollars, — and bondsmen were hard to find. At last, in despair of raising the needed amount, and after offering to compromise for a large sum, he attempted to escape to Europe. An intimation of this reached Mr. O'Connor's ears, who, upon his own responsibility, on the 22d of November, ordered his arrest. Unlike Tweed, Connolly had no friends. Least of all did his old associates waste any affection upon him, as became very apparent when he found himself at the tender mercy of their creature, Sheriff Brennan. This official, it is said, even waited three days in order to arrest him on a Saturday, when it would be difficult, if not impossible, for him to get any bail. This proved to be the case; and, though his friends offered to become his bondsmen, a sufficient amount was not obtained in time, and the Ex-Comptroller was accordingly lodged in Ludlow Street jail. While the general public were a good deal astonished at this turn of fortune, the familiars of the Ring made no attempt to suppress their delight, especially when it was rumored that the St. Patrick Alliance, composed largely of those under obligation to Connolly, would attempt to rescue him. Their friendly zeal, however, proved unequal to the attempt. A few of his friends visited the fallen Comptroller in his low estate, where, though he received but the ordinary treatment of a prisoner, he was allowed to supply himself with such comforts as he needed, at his own expense. Both Thanks-

giving day and Christmas passed, and still the Ex-Comptroller remained a prisoner. Finally his bail was reduced to half a million dollars ; and then, at last, by submitting eight sureties, all relatives but one, the necessary amount was raised, and he regained his liberty on the 3d of January, 1872.

Throughout these, as many previous trials, Tweed unquestionably evinced a far greater degree of nerve than any of his associates. And yet it must at times have seemed to him as though the foundation of all things was crumbling under his feet. It was in the midst of the occurrences now being described that his personal friend and associate in the Erie Railway direction, James Fisk, Jr., was murdered. Fisk was a man after Tweed's own heart. A coarse, jovial, noisy thief and blackguard, — a thorough debauchee, without the conception of a moral idea, — he was the characteristic product of one of the most singular periods in history. No other civilization in the world would have tolerated in prominent positions two such vulgar monstrosities, nor would New York have tolerated them at any time in its history other than that in which they flourished. And now they fell together, and there was something really suggestive in the spectacle of the broken Tweed following the coffin of the murdered Fisk from the tavern in which he was slain to the hearse, under the gray sky of the chill winter day. On that occasion he officiated as chief mourner and master of ceremonies, and his grief was sufficiently marked to cause the reporters to say that, "whatever his other failings, Tweed has a great, good heart." Fisk's death at just that time undoubtedly did occasion him as much distress as his nature was capable of, for he felt the clouds gathering, and the murdered man was one of the very few on whose active sympathy and buoyant disposition he could depend. Naturally, therefore, as he stood over his coffin, he felt an increased degree of isolation ; while those who saw him there might well have pondered over the strange course of events which had suddenly overwhelmed in irremediable ruin two men who had so recently been in the mouths of all as brilliant instances of successful crime.

Tweed himself, however, had little leisure to devote to sentimental reflections. From all sides the pressure grew severe.

And yet the man seemed awed neither by the series of disasters which had assailed him, nor by those in prospect. He obstinately stood his ground, refusing to yield an inch. Rumors of his resignation were constant, but he would not be persuaded out of office, except upon the condition of naming his own successor. Meantime, however, he was busily occupied in arranging his pecuniary affairs, in order to meet the pressing demands which poured in upon him from every side, taxing even his resources to the utmost. The contractor Keyser, for instance, had, by the advice of his friends, appointed Jackson S. Schultz the assignee of his estate, with power to equitably settle all open accounts between himself and the city. In examining Keyser's books, Mr. Schultz found unpaid charges of \$50,000 for work upon Tweed's house, besides thirteen notes of hand, each for \$1,000, executed by one of Tweed's sons, who inherited his father's faculty for levying upon his acquaintances for money. When Mr. Schultz presented a statement of the account to Tweed, the latter for once was disconcerted. The weight of accumulating trouble had begun to tell upon him. "The fact is," he said to Mr. Schultz, moving uneasily in his seat, "my head is not so level as it used to be, and I must consult my lawyer before I can decide what to do about this matter." Mr. Schultz withdrew with a feeling akin to pity for the fallen "statesman," and soon after received and accepted an offer to settle the claim by a payment of \$37,000.

This is only one instance in hundreds of the manner in which demands were made upon him, to meet which he sold his costly Fifth Avenue house at a sacrifice, together with bonds, stocks, and other securities at whatever they would bring. A note for \$30,000 was allowed to go to protest, showing the dire extremity to which he was reduced. As a means of further retrenchment, he also cut off the supplies of the numerous political clubs which had repaid his bounty by boisterous support, and which now fell into speedy and helpless bankruptcy. Even the notorious Americus Club did not escape the sheriff, and the diamond badges of its members were to be seen in the windows of many a Broadway jeweller. A like untimely fate also befell the New York Printing Company.

Early in September Tweed, Sweeny, Hall, and Connolly publicly disavowed all connection with that concern, and Charles E. Wilbour claimed to be its responsible head. To prevent the damaging evidence which would result from a legal investigation, and to defraud the estate of a large deceased stockholder, a judgment was permitted to be taken against it, under which it was sold out by the sheriff in December. Wilbour then joined the fast-increasing band of exiles.

Those in charge of the legal proceedings against the members of the Ring were, meanwhile, pressing them forward as rapidly as was consistent with the law's proverbial delay. Sweeny's case gave them the most trouble, for he had so skillfully hidden his tracks that great difficulty was found in getting sufficient proof upon which to find a bill against him. Indeed, it took Mr. Tilden not less than six months to explore, with an expert's aid, the devious paths through which his share of the plunder reached its destination. Both Sweeny and his relatives, James M. Sweeny and Hugh Smith, had, indeed, all been included in one of the indictments found by the "Bedford" grand jury, so called. This, however, was subsequently quashed by Recorder Hackett, in the fall of 1872, as an unwarranted assumption as to a decision of the Supreme Court, the request of Mr. Peckham, that he should first examine the matter, being contemptuously ignored. Recorder Hackett then, on the 31st of December, permitted District Attorney Garvin, whose term expired the next day, to enter a *nol. pros.*, which was dated back five days, thus cutting off an appeal which Mr. Peckham threatened to take.

Doubtless the members of the Ring hoped to yet tire out their pursuers; but fortunately there were a few patient, determined men, whom they could not weary nor silence nor throw off, steadily hunting them down. Foremost among these was Charles O'Connor, whose great name and unrelenting energy made him as formidable after the election as Mr. Tilden had been before. The difficulties these men had to overcome were, however, unseen by the general public, which was gradually settling down into the exasperating conviction that, after all, the heaviest speculators would escape scot-free, when suddenly, on the 16th of December, the city was

startled by the announcement of Tweed's arrest. The secret had been so well kept, and the thing was so quietly done, that even the next morning neither the "Times" nor the "World" made any mention of it. The arrest was made late in the evening by Sheriff Brennan, at the Bureau of Public Works, and the feelings of the prisoner were not unnecessarily wounded. The sheriff, in fact, seemed to regard the whole proceeding somewhat in the light of a prodigious joke, for, approaching his old comrade, he touched him on the shoulder, and exclaimed with a laugh, "You 're the man I'm after, I guess!" whereat the prisoner expressed his relief that the thing had at last taken place. Presently officer and prisoner retired together to the Metropolitan Hotel, where Tweed was considerably allowed to pass the night. In the morning, accompanied by his counsel, he applied for bail; and, when the party entered the Court of Special Sessions, a throng of spectators received the prisoner with mingled cheers and hisses. Tweed looked nervous and careworn, but preserved his composure. Charles O'Connor and General Barlow appeared for the people, and, after hearing arguments on each side, Judge Bedford refused bail, and committed the prisoner to the Tombs.

Neither Tweed nor his counsel were probably either greatly dismayed or perplexed by this result, as Judge Bedford was, upon the whole, one of the most insignificant of the numerous occupants of the New York City bench. The appearance of Charles O'Connor in his court was an event the magistrate was ill prepared to meet with equanimity, and he would probably have done whatever that gentleman told him to do. Instead of going to the Tombs, therefore, in compliance with Judge Bedford's decision, Tweed and his counsel at once sought the presence of Judge Barnard, who happened to be conveniently holding court near by, and requested him to review the action of the court below. The crowd surged into the chamber of the Supreme Court, eager to witness the dramatic scene. By a curious coincidence, during the proceedings which ensued, Tweed sat immediately in front of a life-size portrait of himself, which faced the judge's bench as if in menace or derision. His creature Barnard sat in judgment upon him in the very building which was a monument of the crimes for which he

was now arraigned, and for the first time he was forced to listen to outraged public opinion, in the voice of Mr. O'Connor, who, in earnest yet temperate language, urged that the court should not give "an empty measure of its considerate justice" to a long-suffering people by granting Tweed's request. The criminal seemed impressed by the speech of the advocate, but the judge sat impassive, notwithstanding Mr. O'Connor's sufficiently significant hint that it might be the last opportunity he would have to redeem his sullied reputation. Mr. O'Connor concluded his argument with the singularly apt, but, withal, under the circumstances, somewhat suggestive quotation, —

"Plate sin with gold,  
And the strong lance of justice hurtless breaks;  
Arm it in rags, a pygmy's straw does pierce it."

Connolly was not now before Judge Barnard, and had he been it is safe to say that Judge Bedford's decision would have stood unshaken. In place of Connolly, the magistrate in whose breast the fire of reform had a few short weeks before burned so brightly now saw his friend and benefactor and boon companion, Tweed. Instantly the fire ceased to smoulder. When Mr. O'Connor closed a breathless silence spread over the court-room, and probably Tweed himself was painfully conscious of the heavy beatings of his heart, for "George," as he would have called the magistrate, was so notorious for his "jokes" and vagaries that it was never possible to predict with certainty what his course would be. In the present case, however, he did not leave the audience long in doubt. In his most defiant manner, he in few words reversed Bedford's decision, and ordered bail to be fixed at the trivial sum of \$5,000. This was, of course, instantly given, and the prisoner, under an indictment for stealing millions, left the court amid a crowd of congratulating friends.

Shortly after the discharge of Tweed, the sessions of the Legislature began at Albany, and the scene of active proceedings was transferred from New York to that city. The Rochester failure was partially repeated when the Legislature met; for, though the composition of that body had been largely changed by the election, yet it was still impregnated with the old corrupt leaven. Accordingly, Mr. Tilden and his allies

soon found that not much was to be accomplished beyond checking further direct corruption and laying the foundations of future action. Tweed did not venture to take his seat in the Senate, but neither did that body dare to declare his seat vacant. Hence it remained unoccupied throughout the session. His absence from this body also made itself curiously felt; for, under the Constitution, one half of the members held over from the previous year, and a large portion of them had been accustomed to implicitly follow Tweed's lead, and several had unquestionably been large recipients from his corruption fund. Under these circumstances the Senate did, indeed, roll and flounder about all through the session, like a ship the helmsman of which has been washed overboard. It was rumored that Tweed had preserved a careful record of his transactions with his colleagues, and mysterious intimations were current that, if he was interfered with at Albany, "somebody would get hurt." The threat was unquestionably not without its influence. Hitherto, however, no portion of Tweed's legislative memoranda have seen the light, and he has even denied their existence altogether. Considering the character of the man, they would not, under any circumstances, be entitled to much weight, and those involved were, almost without exception, men of local reputation only, who have long since lapsed into obscurity.

If it had accomplished nothing else, this Legislature would yet be entitled to a grateful recollection from the fact that it impeached the Ring judges, taking steps towards cleansing that Augean stable, the New York City bench. The urging forward this the most practical and vital of all the measures of reform had both naturally and by common consent devolved on the Bar Association. The task was not devoid of danger to those who undertook it, and involved a prodigious amount of laborious investigation. It was, however, cheerfully assumed by a public-spirited committee, and so vigorously prosecuted that in January all was ready, and on February 2d a memorial was presented to the Legislature praying for an investigation into the practices of certain members of the city bench. Mr. Tilden was naturally asked to present it, but declined in favor of Mr. Alvord, in order to conciliate a certain

section of the Legislature. A resolution was at once adopted empowering the Judiciary Committee of the Assembly to proceed to New York and take testimony in the matter to which the memorial related. This body began its sittings on the 19th of February at the Fifth Avenue Hotel, with closed doors, and continued them until April 17th. Barnard, Cardozo, McCunn, and other judges were represented in person or by counsel, and over two hundred witnesses were examined, whose testimony occupied twenty-four hundred solid pages of print. Universal latitude was allowed in the submission of evidence, and the counsel for the several persons incriminated were permitted to cross-examine the witnesses, but no arguments were heard. On the 30th of April the committee submitted a report signed by Messrs. Prince, Strahan, and Tilden, in which the impeachment of both Barnard and Cardozo was recommended.

During the sessions of the committee Barnard conducted himself in a manner thoroughly characteristic; he manifested no signs of alarm, but evinced rather a reckless disregard. Whenever an opportunity offered, he made sneering and defiant remarks in open court upon the efforts of "his enemies" to remove him from the bench. He seemed indeed determined not to solicit immunity from punishment, but rather in proportion as the danger of his position increased he indulged in greater license. For instance, just after the committee began its sessions, he one day remarked with characteristic coarseness, while holding special term in chambers, "I am going to scratch myself. Take notice. I suppose that will make the 101st article of impeachment." On another occasion, when allowing a sum of ten dollars as costs in a trifling case, he observed, "O, I don't get any of it, though I believe they have put it down against me in the 185th article of impeachment." He also alluded jocosely to a report that he had the sum of one hundred thousand dollars in the bank with which to buy up the committee; and when a case was set down for a hearing on the next day, he said, "I shall be actually engaged myself on trial to-morrow." He twice peremptorily refused to grant perfectly proper applications made to him, in one instance saying, "I am not going to hear any more about this case"; and when, on another occasion, an applica-



tion was made for the postponement of a trial owing to the sickness of counsel, he refused it in these playful words: "Can't let you off this time! I guess you have got to come up to the bull-ring now, old fellow." Another motion was sententiously denied in these words: "You are gone, counsellor." On May 2d the Assembly moved the impeachment of this judicial ruffian, and Messrs. Vedder, Prince, and Tilden were appointed a committee to present charges at the bar of the Senate.

Their hold upon the bench was the great safeguard of the broken Ring, and the actual impeachment of Barnard excited in the minds of all those who lived on city plunder the liveliest possible sense of alarm. The man was popular, too. In his vulgar, ruffianly way, he had always been a jovial, boon companion, and in his capacity as judge he had placed many under obligation to him. A determined effort was therefore made to avert the consequences sure to ensue upon his removal, and a large sum of money was raised with which to operate on the Legislature in its selection of a board of managers of the impeachment. Sweeny, Tweed, Connolly, Hutchings, Loew, and many others contributed liberally, while Garvey was forced to subscribe through the medium of his brother. So effectively was the sum thus raised used that when, on the 10th of May, the managers were chosen by secret ballot, the result created general distrust and even despair as to the result. Fortunately, Mr. Tilden was a member of the Legislature, and his remarkable practical ability in the management of men was again decisive at this most vital point of the whole struggle. Through his agency it was arranged that the managers should select such counsel as would be satisfactory to the Bar Association, and in this way the case was finally placed in the hands of Messrs. Van Cott, Pratt, Parsons, and Stickney. The trial began at Saratoga on the 17th of July and lasted exactly one month. The charges, thirty-eight in number, specified Barnard's more notorious outrages and antics upon the bench, especially in the Erie cases; and his practice in the issuing of injunctions and the granting of *habeas corpus* discharges. His favoritism in appointing receivers or referees was set forth, as well as his improper and scandalous intimacy with noto-

rious persons. Other charges covered the receipt of presents intended as bribes, the "deporting himself in a manner unseemly and indecorous," and using "coarse, obscene, and indecent language" in court. The form of procedure in trials for impeachment was novel to most of the managers, and Barnard's counsel contested every point vigorously. Still nothing occurred to check the trial, which was prosecuted rapidly, yet with becoming fairness.

When the proceedings began Barnard was confined to his bed with the gout, but a postponement was refused on that ground, and he soon after appeared, looking enfeebled yet defiant. Somewhat later he made a personal statement, denying with considerable feeling the newspaper reports that he meant to resign his office, and asserting that he would abide the issue of the trial, whatever it might be. Throughout the proceedings his manner was restive and unruly. He chafed and fretted like a caged animal, and seemed unable to accommodate himself to the unusual position of criminal rather than judge. To Mr. Beach, his leading counsel, he was courteous, though the latter had to check him several times for hasty remarks. Under cross-examination by Mr. Parsons, however, he became curt, spiteful, and ugly. He sat, in presence of his judges, with one leg over the arm of his chair, tapping his boot with a light cane as he answered the questions of counsel, and seemingly quite unconscious of the gravity of the occasion. After his wont, he indulged freely in slang, speaking of "Jimmy" Coleman, and "Injunction" Foley, while he replied to one query with a vehement denunciation of the Assembly Judiciary Committee as "a packed body" of his enemies who had scoured America, Europe, and Asia to gather evidence that he was a bad man.

The indifferent and even nonchalant manner in which Barnard spoke of the acts on which the charges for his impeachment were based impressed his audience profoundly. Indeed, it is said that his own manner and tone in testimony influenced his judges far more than the statements of all the other witnesses united. That a man filling his high office should wilfully abuse his powers; that he should be intimate with gamblers, prostitutes, and swindlers, and use their language on the bench; that he should be in league with public robbers,

and convert his court-room into a speculators' haven of rest, — all this was in itself sufficiently damaging when proved by others; but when the criminal at the bar, without apology or extenuation, himself described the manner in which he exercised his judicial powers, and distributed the court patronage purely for his personal gratification and to please his pot-companions, the result was simply confounding. Yet this Barnard did. He was devoid of all sense of decency or wrong or shame. In reply to a question during his examination he coolly said, for instance, "*The judge who holds the chambers owns the patronage, it belongs to him*, and he selects whom he pleases regardless of any suggestion of counsel or dictation from them. . . . I have succeeded in life *by aiding my friends and not my enemies.*" The audacity of such a reply, and the impression it gave of Barnard's utter lack of a sense of the dignity and responsibility of his office, filled every one present with amazement and disgust, and it was small occasion for surprise that, when he made this statement, a sudden and significant silence fell upon the whole assembly, leaving no doubt of its effect upon the managers. Afterwards Barnard disclaimed having been influenced in any judicial act by either friendship or desire for gain, thus leaving himself no sufficient motive for his crimes but pure malevolence. Long before the final summing up the decision had been made. Sufficient evidence had not been presented to establish the charge of bribery and corruption, but on the general charge of "dishonoring and discrediting his high office" there could be no question. The final vote took place on the afternoon of Friday, August 17, 1872. Upon twenty-five of the thirty-seven charges two thirds of the managers voted "guilty." Upon the question of removal there were thirty-five votes cast in the affirmative, while the vote was thirty-two to two that Barnard be disqualified from holding any office of honor, trust, or profit in New York. The court then adjourned, having completed a task which, in the words of one of its members, was intended "to solemnize every judge in the State."

There was one judge, however, whom there was no need to "solemnize." Barnard's infamous colleague, Cardozo, had already slunk from the bench, taking refuge from impeachment

in voluntary resignation. In face of the evidence elicited before the Judiciary Committee, he evinced none of Barnard's defiant spirit of bravado, but, wisely recognizing the completeness of the ruin, accepted the situation in advance. The most flagrant facts brought to light in his case related to his transactions with his nephew, Gratz Nathan, who had enjoyed a monopoly of the court patronage controlled by his uncle. It appeared that during the four years ending with 1871 he had been granted over eight hundred receiverships and references. The usual fees in such cases did not exceed \$ 250, but Nathan in several instances had received sums of several thousand dollars; and in one reference case where he attended only a single sitting, he was paid \$ 1,000; on another occasion he received \$ 10,000 for little more than ten days' labor. He himself estimated his entire earnings from these sources at "not over \$ 60,000," or \$ 15,000 a year, which for a young gentleman of his position at the bar was certainly a most comfortable support. But a far more damaging thing to Cardozo than the granting of this patronage to Nathan was the use made of the proceeds from it; for a comparison of bank accounts revealed a suspicious relationship between the entries to the credit of the nephew and those to the credit of the uncle. Whenever Nathan deposited the fees from a reference or receivership, he almost invariably drew a check to bearer for the amount, and had it cashed; and directly afterward a deposit in bills for a like sum would be made by Cardozo. As in the case of Garvey and Ingersoll, and Tweed, Sweeny, and Connolly, these transactions were far too frequent to leave any doubt as to their connection. At first Nathan stated that he had lost one of his check-books, and professed inability to remember the details of his transactions. After a long examination, Mr. Parsons at last revealed through his questions the fact that he had been examining and comparing the bank accounts of the two, and had every detail of them at his tongue's end, and then Cardozo, who was intently listening, grew deadly pale. He realized that he was lost. Hopelessly entangled, Nathan could not but acknowledge the correctness of the figures, and the inference to be drawn from them, but he claimed that the payments thus made to Cardozo were loans made by

him to his uncle at the request of the latter ; and he added, by way of explanation, that he had carefully avoided entering the judge's name in his check-book, or making any record of their joint transactions, in order to prevent suspicion. He, however, could not specifically name the date or object of any of these "loans," and Cardozo's bank account, moreover, exhibited a respectable balance at the time of every receipt of money from Nathan, showing that he was not then in any pressing need of funds ; while not only were there no subsequent payments such as the loans might be intended to cover, but no corresponding sums were entered as having been repaid to Nathan. The explanation was in short absurd. Though present with his counsel, Judge Fullerton, during the larger part of the investigation, Cardozo took no personal share in it.

The career and corrupt practices of Judge Cardozo have, however, certainly occupied their full share of space in the pages of this Review. Suffice it now to say that every charge which had ever been made against him was practically substantiated, and an abundance of new ones brought to light. Where full legal proof failed, neither imputation nor strong circumstance was wanting. The committee accordingly recommended his impeachment as well as Barnard's, whereupon he wrote a letter resigning his seat on the bench, which was so carefully timed that only two hours intervened between the presentation of the committee's report to the Assembly and the reception of his resignation by the Secretary of State. In a subsequent letter, intended for publication, he assigned as a reason for his course that he had neither "the time, means, nor health" to continue, "vainly resisting a foreordained partisan decision. . . . Owing to the combination of his enemies, and a portion of the press, official station had no longer any attraction." His resignation was accepted, and the proceedings against him dropped.

The purification of the New York City bench was the one great outcome of the uprising of the summer of 1871. The destruction of the Ring itself was a matter of trivial consequence in comparison with the expulsion of Barnard and Cardozo ; for by them, in a great commercial community, the very sources of justice were poisoned. When, therefore, Bar-

nard was at last ejected and sent to join the colleague who had voluntarily gone before, the community realized that a substantial result had been secured. Whatever other failures and disappointments might be in store, the bench at least was for the time secure. The proceedings which had already been begun against the more notorious members of the Ring were not, however, on this account relinquished, and it now only remains to recount their results.

The beginning of the year 1872 found Hall, Tweed, Sweeny, and Connolly all under indictment; the two last already contemplating flight, and only the first making even a pretence that a trial was looked upon as an opportunity to secure a vindication. His case accordingly came on in March, 1872, before Judge Daly in the Court of Special Sessions. Everywhere but on the stage Hall was a natural actor, and now he showed a suspicious eagerness to meet his accusers. He "hailed the sight of a jury in the box as his deliverance," and was so very anxious to hurry matters that he said he should accept the first twelve men who were called. Nevertheless he finally challenged two jurors, on the strangely characteristic ground that they were "older than himself"! His well-dissembled ardor had, however, at least the effect of deceiving the opposing counsel, who accepted the jury without sufficient inquiry into the antecedents of its members. The Mayor was defended by his partner, A. J. Vanderpool, and Ira Shafer, while the District Attorney was aided in the prosecution by Wheeler H. Peckham, an active coadjutor of Mr. O'Connor in his proceedings against the Ring, and by Henry L. Clinton, a prominent reform politician and criminal lawyer. The indictment made a bulky printed volume, and comprised eighty counts, all based upon the Mayor's loose performance of his duties as a member of the Board of Audit. Hall, with a few exceptions, acknowledged his signature to the warrants passed by the board, but set up the general plea that he had approved them only in his "ministerial capacity," Tweed and Connolly being responsible for their incorrectness.

The preliminary proceedings were very tedious and the trial dragged wearily along, until at last a genuine sensation was created by the unexpected summons of Garvey as a witness.

The great contractor had just returned from Europe, and it was his first public appearance. He now gave important evidence, tending to show that Hall was all along fully aware that the frauds were being committed, and he described several interviews he had held with both Tweed and Hall, including one with the latter, in which Hall, while signing certain warrants, asked "if they were Mr. Tweed's matters," and further advised Garvey to do what Tweed and the others told him to do. When these damaging statements were made, the Mayor started from his seat and glared fiercely at the witness, for the first time during the trial evincing real concern. The plasterer's evidence was not, however, destined as yet to influence a verdict, for on the 8th of March, owing to the death of a jurymen, the case was suspended.

Hall's second trial did not come on until the 22d of December, 1872, shortly after the expiration of his term of office. It was impossible for the man to hold his peace for any length of time, and equally impossible for him to break the silence without uttering something queer and ill-judged. In the present case, he claimed the privilege of conducting his own defence, on the ground that, owing to the absence of his counsel, he had had no opportunity to consult with them until the previous Saturday night, and then, he added, with a solemnity which must have caused a smile to lurk on every face in the court-room, "I could not consult with them on Sunday. I could not fly in the face of that Providence that has so kindly taken care of me unto this moment, and on whom I rely to vindicate my innocence." The testimony at this trial was substantially the same as at the previous one, lacking only the element of novelty. The defence insisted that there was no proof of Hall's collusion with the Ring, or that he had any knowledge of the fraudulent character of the warrants. His offence, at most, was a technical one, and he was shielded from suspicion by "the panoply of a stainless character." The weak side of the Ex-Mayor's case revealed itself in the line of treatment adopted towards the members of the Ring. The utmost care was taken to do nothing calculated to irritate Tweed, Sweeny, or Connolly, while Garvey was savagely denounced as "a self-convicted felon." Neither at this trial, nor at any time in the course of

the subsequent investigations, was any pecuniary corruption brought directly home to Hall. To suppose, however, that the old and experienced criminal lawyer did not perfectly well know that his associates in the city government were perpetrating systematic and colossal frauds under cover of his signature, was an insult to his sagacity which, under any other circumstances, A. Oakley Hall would have been quick to repel. In plain language, the man was an indisputable ass, but he was not a fool; and he showed this clearly enough by the excessive care with which he refrained from denouncing the speculators whose witless cat's-paw he claimed to have been. His counsel's indignation was reserved for his brother tool who had turned state's evidence.

As Christmas day was near at hand, every effort was made to conclude the trial, and Hall especially urged haste in order to accommodate the jury, even offering to submit the case to them on the evidence, without argument, — an ingenious expedient through which he hoped to escape the severe summing up of Mr. Tremain for the prosecution. In this, however, he did not succeed. By the judge's charge, the whole case was narrowed down to the single issue of wilful neglect of duty; the charges of conspiracy and collusion being excluded for want of evidence. After some discussion as to whether they must pass necessarily on the point of wilfulness, the jury withdrew. The scene which then ensued in the court-room was after Hall's own heart. He chatted with his friends and counsel in the most nonchalant fashion. He described how he had sat up once before on Christmas eve, awaiting the verdict in a murder case, and also of his having written a story called "The Christmas Juryman," in imitation of Dickens. He interrupted an anecdote with an apology when the jury returned, at ten o'clock P. M. Upon the verdict of "not guilty" being announced, Hall bowed his head on the table before him, overcome with emotion. A scene of congratulation followed, with greetings of a "merry Christmas," as he left the court-room in triumph. The verdict was, practically, one of "not proven," and excited no particular comment. The "Herald" declared that it was gratifying to the whole city; the "Tribune" ambiguously remarked that it surprised no one "who had closely



followed the proceedings"; while the "Times" pronounced the trial a failure, and inquired if a public dinner was not to be tendered Hall in recognition of his adroitness in evading the law.

A new indictment, known as the "omnibus" indictment, had meanwhile been found, and Tweed was arrested under it at about the time of Hall's acquittal. The earlier suit against him, in which he had given a million dollars' bail, had been of a civil character, and wholly distinct from the criminal prosecution. Either from carelessness or oversight, or because the possibility of such enormous peculations had not been conceived, no provision was made in the code for a case like that of Tweed. It was found, therefore, that he could be indicted only for the insignificant offence of "neglect of official duty," the extreme penalty for which was limited to a year's imprisonment and a fine of two hundred and fifty dollars; though in the case of an indictment covering a great number of counts for several distinct offences, it was an open question whether the court might not impose a cumulative sentence.

There now seemed a strong probability that Tweed would at last be brought face to face with a jury. Delay, however, yet followed on delay. The action had been brought in the name of the State, and the right of the State to sue in the premises had, it was thought, been definitely settled. This, however, was now disputed by the defendant's counsel, who contended that the money stolen by the Board of Audit belonged to the "County of New York," and that the State alone could not maintain an action for the theft. They therefore set up the plea that the complaint against Tweed did not state "facts sufficient to constitute a cause of action" in favor of the People of the State. Mr. O'Connor, in reply, claimed that the "county" could only own money for certain fixed and limited purposes, and that the six-million embezzlement could not be included among these. He argued further, that, as the State was under obligations to return the stolen money, it had a right to recover damages for its theft. The only way the question could be adjudicated was by an appeal to the courts. This was duly taken, and then ensued a very perfect example of the legal entanglements and judicial muddles in

which lawyers delight. It reads like a satire on the whole course of justice, and as such is deserving of a somewhat detailed mention.

In December, 1871, Judge Learned of Albany, in denying a motion to reduce Tweed's bail, referred to the question whether the State could maintain the action, but refused to pass on it as being only a side issue to the motion before him. His order was affirmed by the General Term in February, 1872, and so far the people's right of action was assumed. Four months later, however, the question was argued at the New York Special Term at Albany, upon a demurrer to the complaint from Tweed and Connolly, which Justice Hogeboom, who presided, overruled. An appeal was taken to the General Term in the Third Department in July, and two months later the Special Term decision was sustained by two of the judges, while one judge dissented. Tweed's counsel, on the 27th of November, moved to change the place of trial from Albany to New York, which motion was granted by Justice Ingalls.

So far the authorities were on the side of the State, but presently a conflict of opinion developed itself. The action brought by the Board of Supervisors against Tweed, at the instigation of Hall, was heard by Judge Barrett, in Special Term, at New York, and that judge was of opinion that the right of the Supervisors of New York to sue (on behalf of the county) was not settled by the decision of the General Term, Third Department. An appeal from this decision was taken to the First Department of the General Term, where Justice Ingraham sustained the Barrett ruling. He held that the Third Department decision was not binding, especially as it was rendered by a divided court, while the two judges who concurred in their opinion disagreed in the reasons they assigned. This decision was sustained by Justice Hardin of the New York Special Term, upon a demurrer in the case of Ingersoll alone. An appeal was taken to the Supreme Court, May 5, 1873; but Justices Ingraham and Noah Davis affirmed the order appealed from.

The contest over these side issues, as will be seen from the dates, extended over some eighteen months. Messrs. Field, Stoughton, and Root made most of the arguments on the

one side, and Messrs. O'Connor, Peckham, and Tilden on the other. Mr. Tilden's argument before the Court of Appeals was perhaps the most complete summary of the case for the prosecution, but it is not necessary to recapitulate his points here. Suffice it to say the Court of Appeals denied his motion, and as a final settlement of the dispute the county suits were merged in those of the State.

Tweed's case was then at length brought to trial in January, 1873, before Judge Noah Davis, in the Court of Oyer and Terminer of New York. Notwithstanding the considerable time which had elapsed since his arrest, the public interest at once quickened when it was known that his trial had actually begun. The court-room throughout was thronged with eager spectators, and each side was represented by a formidable array of counsel, chief among whom were Lyman Tremain on the side of the prosecution, and David Dudley Field on that of the defence.

At the very outset of the trial Mr. Field indicated very clearly the desperate character of the defence by a motion in arrest of proceedings, based on the point that his client could not be punished for "official delinquency," which the indictment charged, because he held no public office at the time specified. Tweed was in the Senate when appointed one of the Board of Audit; and as the law does not allow a member of the Legislature to hold any other office, his appointment was void. The Board of Audit had, moreover, usurped the functions of the Board of Supervisors; hence it was an illegal body. Its establishment was also unlawful on other technical grounds. Lastly, as the act of the Legislature under which Tweed was indicted had not been passed by the necessary two-thirds vote, it was void. These points, however, were promptly overruled.

The examination of Garvey was the striking feature of the trial. His evidence as that of an ally of Tweed and a sharer in the frauds could hardly fail to be decisive of the prisoner's guilt, unless all faith in his credibility could be destroyed in the minds of the jury. He was therefore subjected to a scathing cross-examination at the hands of Mr. John Graham, who with savage pertinacity strove in every way to break him down. Tweed, the ex-chair-maker and foreman of "Big Six," was

contrasted with Garvey, as if he were a second Washington and the unfortunate contractor another Benedict Arnold. The epithets usual in the mouths of criminal lawyers were also freely applied, by this master of the art, to the miserable witness. Garvey bore the ordeal wonderfully well, though glad enough to escape from his tormentor. When Mr. Tilden detailed the manner and result of his investigations into the accounts of the Broadway Bank, he was cross-examined by Mr. Field, who tried to follow his colleague's browbeating and bullying tactics. But in this case there was a decided difference in the man to be dealt with, and, though the encounter was animated, the advantage did not rest with Mr. Field.

At the close of Judge Davis's charge, Mr. Graham, not content with his triumph over Garvey, excepted not only to the charge as a whole, but, for the sake of preserving "all his rights," to "each and every sentence" in it; Judge Davis, in reply, good-naturedly suggesting that there might be some questions of grammar which Mr. Graham would except to also. The jury then retired and remained out all night. They at no time approached an agreement, only two of the twelve being in favor of a conviction. The next morning (January 31) they reported in court that they could not agree, and were discharged.

Mr. Peckham, on behalf of the prosecution, at once moved for a new trial to begin immediately; but, owing to inevitable delays, the second trial was postponed until the fall of 1873, and Tweed thus gained another respite of nearly a year. It was finally begun on the 6th of November in the same court and before the same judge as before. The prosecution was again conducted by Messrs. Tremain and Peckham, but now with the assistance of Henry L. Clinton, whose long experience in criminal practice specially qualified him for practical use in the important work of securing a reliable jury. Tweed's counsel were unchanged, excepting that Judge Fullerton replaced Mr. Field, who was abroad. The defendant showed no signs of any fear as to the result of the trial, but, as the reporters asserted, looked "rosy and healthful," and yet wore his immaculate white cravat, while his famous fourteen-thousand-dollar diamond pin flashed resplendent in his shirt-front,

and he was buoyed up for the occasion by the presence in the audience of numerous faithful adherents.

Unusual care was taken in the selection of the jury. Only five peremptory challenges were allowed either side; hence great skill was required and displayed in sifting the panel of doubtful characters. Not only was it difficult to find enough men of intelligence who had not formed a bias, but, as in the case of the former trial, a number of Tweed's friends had been smuggled into the panel, in the hope of getting them drawn upon the jury. Their fate on the previous occasion had, however, sharpened the wits of the prosecuting officers, and the antecedents of every man were closely examined into. As a consequence of these precautions several suspicious individuals were rejected after they had actually been included in the jury.

The proceedings were an almost exact repetition of those of the first trial, with one important exception. This was a formal protest made by five of Tweed's counsel against Judge Davis's presiding in the case, on the ground that his charge to the jury in the first trial showed prejudice against the defendant, and that, consequently, he could not preside fairly on the present occasion. Judge Davis paid no heed to this affront until after the trial, when he severely reprimanded the two junior counsel who had signed the paper, and fined their seniors, Judge Fullerton and Mr. Bartlett, two hundred and fifty dollars each for contempt of court.

The arguments at last were finished, and at nine o'clock on the evening of November 20th, the jury, having been duly instructed as to the law of the case, retired to consider their verdict. Tweed and his friends waited in court for a time, talking cheerfully and bearing themselves as men quite confident of the result. After an hour's absence the jury returned for further instructions. This certainly looked ominous; but no decision was reached until the next morning, when, after fourteen hours' deliberation, a verdict of "guilty" was rendered on fifty-one out of fifty-five of the offences charged, each offence including four counts, making two hundred and four counts in all.

The sentence was not imposed until the succeeding Saturday. During the interim it was expected that Tweed's counsel would apply for a stay of proceedings; but they did not do

so, and on the morning of November 24th Tweed, who had in the interim been in the custody of the sheriff, stood up in court to receive the highest sentence which the law permitted for his crime, — twelve years' imprisonment and a fine of \$ 3,000. The spectacle was impressive. Up to the last moment the great criminal had felt sure of escape; but neither all his ill-gotten wealth nor all the acumen of his lawyers could now avail him. The end at last was come. Yet he bore the ordeal bravely, and when, at the sharp command of the magistrate, he stood up before the eager and crowded court-room, he showed no signs of emotion save a heightened color and a scarcely perceptible nervous trembling; but he complained afterwards of the judge because he made him stand so long, and showed so strong a feeling against him in the words he uttered. When all was over he sat down with evident relief, and presently passed out of court in custody of the sheriff, by whom he was at midnight lodged in the Tombs. During the next fortnight he remained there, through the consideration of the sheriff, and it was strange to see the regard in which the great peculator was still held among his former henchmen. They evidently believed in their leader, and could not persuade themselves that his doom was finally sealed. Day by day he held a levee in his jail, and the Tombs was jocosely called "the new headquarters of the Americus Club." The escape of two years later might well have then taken place, and it in all probability would have taken place, had not Attorney-General Barlow, in sympathy with the rising public impatience, caused an intimation to reach the sheriff that he was exceeding his powers and might apprehend trouble. Then, at last, on the 27th of November, — two years after his overthrow at the polls, — the former chair-maker, foreman of "Big Six," alderman, member of Congress, Grand Sachem of Tammany, State senator, Commissioner of Public Works, and New York millionaire donned the felon's garb. He was carried by the sheriff to Blackwell's Island, accompanied by a son and a few friends, and there received like any other criminal. In answer to the usual questions he characteristically replied that he was of "no religion" and was by occupation "a statesman." He took the prisoner's bath, his hair and beard were

shaven off, and then, after fitting him with a "larceny suit," a proceeding not without difficulty owing to his great size, a convict's cell was assigned him. As the prison gates closed on his retiring friends, he must at last have realized that the play was quite done and the curtain fallen.

Of the subsequent fate of the more prominent characters in this singular historical episode, little remains to be said. In the very heat of the struggle, before the decisive election of November, 1871, the New York "Nation" had remarked: "We do not know how this affair may end, but we do know that if Barnard, Hall, Tweed, and Connolly close their careers in peace and ease and affluence, it will be a terrible blow to political and private morality." The apprehension was not too strongly expressed, but it was not destined to be fulfilled. Almost without exception the subsequent careers of those prominent in the history of the Ring were marked by exile, misfortune, and ruin. The way of the transgressors was hard. First, of the four great central figures. Of these, Tweed passed a year in a felon's cell, from which he was released by a decision of the Court of Appeals adverse to the legality of the cumulative sentence imposed by Judge Davis. Immediately arrested on new suits, he lay for a time in a New York jail, while lawyers consumed his means in litigation; and then, suddenly escaping from the sheriff's hands, he followed Sweeny and Connolly into exile, leaving behind him an unsatisfied judgment for millions against his estate. Curiously enough, he was even then hunted finally to earth through the remorseless pencil of the caricaturist. Forced to leave his first place of refuge in Cuba, he took passage for Spain, and in August, 1876, after nine months of anxious liberty, was identified by means of a caricature on his arrival at Vigo, and at once arrested. There was no rest or peace for him except within his prison's walls. Sweeny and his brother, far more cautious than Tweed, had early taken refuge in flight. Timid by nature, and appreciating the fury of the storm, Sweeny had, in December, 1871, on pretext of ill-health, withdrawn to St. Catherine's, in Canada, and from this point of vantage attempted to negotiate a peace. Failing in this, he subsequently went to Europe, accompanied by his brother, and the two thereafter resided exiles in Paris.

They were abundantly supplied with means, for they had kept much of their plunder well in hand ; but none the less they were outcasts and pariahs, and knew themselves to be such. The brother, James, drank himself to death in June, 1875, while the more astute Peter B., less fortunate, remains a solitary exile in a brilliant capital, shunning most of all the faces of his countrymen, and awaiting in shame and fear the issue of the suits which involve the ownership of his New York property. Connolly fled the country early in 1872. His timidity counselled him well. In Europe he wandered helplessly about, passing much of his time at first in Egypt, where some passing stranger vividly described him as sitting upon the piazza of his hotel, "shunned by everybody, with trembling hands and vacant eyes." Subsequently he was reported as living with his son-in-law at Vevay, in Switzerland. Hall alone, of them all, attempted to resume his old ways of life. The ban, however, was upon him. The law firm in which he was a partner dissolved, and things went badly with him, until at last, in the early days of 1876, New York was astonished by the sudden announcement that the Ex-Mayor had decided to abandon his profession and to become an actor. He always had a fancy for private theatricals, and had won a certain reputation in them, and now, a man of middle life, he thought to mount the stage. He did so, and soon came down. He performed but in a single play, specially written for him, and having a very direct reference to the odium into which he had fallen as Mayor ; but his failure was too evident to admit of question, even by himself ; so, having once more made himself ridiculous, he shuffled off the stage back to his law office. Whether he would change places with Sweeny is an open question. The lesser satellites of the Ring were not more fortunate. The miserable death of Watson has already been described. His successor, Woodward, lives a fugitive in Paris, the companion, it is said, of Tweed's son Richard, who is supposed to keep guard over him in the interest of his father. Genet, Wilbour, Fields, and Cook are likewise in exile, bankrupt and depressed, bearing assumed names, living from hand to mouth, and anxiously "studying extradition treaties." Of the contractors, through the medium of whom the frauds were



perpetrated, Garvey turned state's evidence, and disgorged his plunder. Ingersoll, convicted of a technical forgery in connection with the city business, was imprisoned, and then pardoned on condition that he would furnish the evidence necessary to convict his principals in crime. The Ring judges were no more fortunate than its more immediate principals. Ejected from the bench and disqualified from practice at the bar, broken in health, ruined in character, bereft of influence, and dependent on a father-in-law for support, Barnard could only show his strong sense of disgrace by denunciation, at once fierce and impotent, of every one who had contributed to his downfall. Cardozo, hardly more fortunate, escaped an expulsion from the bar only by a piteous appeal to the mercy of the Bar Association, accompanied by the assurance of his intention to immediately leave New York and settle in the extreme West. When the proceedings against him had been abandoned, he quietly resumed the practice of the law, at first in the lower and then, emboldened by impunity, in the higher courts. But his haggard, anxious face testified to the suffering which his disgrace had caused him, and those who knew him best spoke of him as a broken-hearted man. Even his nephew Nathan, — his "Gratz," — after his uncle's resignation, having become despondent through pecuniary losses, added to shame and family misfortune, attempted his own life. McCunn, proceeded against like Barnard and Cardozo, was removed from the bench by a vote of the Senate on the 2d of July, 1872. Broken by dissipation, his system yielded to the heavy strain of shame and excitement, and the next day he took to his bed. He died three days later, in "affluence," but neither "in peace" nor "ease." Of the whole number who in July, 1871, were so flushed with success, so secure in power, so lavish of their vulgar wealth, not one in 1875 but would have joyously exchanged his lot with any decent inhabitant of the city he had plundered who earned an honest competence by honest toil.

CHARLES F. WINGATE.

FIVE years will be complete on the 7th day of the coming November since by a great uprising at the polls the citizens of New York sealed the fate of the Ring. It is now possible, therefore, to look back and measure the results since attained with the character of the struggle, and the tremendous effort which was put forth in it. The retrospect is not encouraging. Certainly a broader, a more formidable hint has rarely been given to a people than was vouchsafed to this country in the history which has just been concluded. It very clearly foreshadowed the course which events are taking in America; for it must be remembered that America is yet very young. Until within a few years it was inhabited by an almost exclusively agricultural population, and there were not three really large cities on the continent. All this is now changed, or is rapidly changing. As population increases and the railroad and telegraph concentrate business at given points, cities multiply and the civic population tends always to assume an infinitely greater degree of relative political importance than formerly. In 1820 there was not a city in the State of Massachusetts; fifty years later one half of the whole population of that State had abandoned the forms of town government. Chicago, Cincinnati, St. Louis, are all destined to be vast interior communities, numbering before the end of the century, in all probability, their three millions of inhabitants. Other points will develop in like proportion. New York simply heads a growing column; it does not stand alone. The question, therefore, of municipal government in its whole length and breadth was involved in the history of the rise and fall of the New York City Ring. Unless it taught its lesson the great experience was thrown away, and will have to be repeated.

Up to the present time there are no indications that the American community has looked upon the New York City municipal experience as anything but a local scandal. They have apparently thought that it carried with it no lesson for them. In this conclusion they will probably find themselves egregiously and bitterly mistaken. Chicago and St. Louis and Brooklyn and Philadelphia may already begin to

suspect something of the sort. In point of fact, the question of ruling vast bodies of human beings, containing a large percentage of the vicious, the ignorant, the criminal, and the unfortunate,—closely compact and sharply divided into those who have and those who have not,—a population no longer homogeneous or fixed, but largely made up of foreign and floating elements bound by no traditions or inherited education,—the question of ruling such populations as these under a republican form of government and by means of universal suffrage is a not less vital one to-day in Massachusetts, Illinois, Ohio, and Missouri than it is in New York.

Yet even in New York, where the memory of the first great experience should yet be fresh, the importance and pressing character of the question seem not to be understood. Else why is it that the lesson of 1871 has been so barren of fruits? Looking back over the five years, it cannot be said that a single step has been taken which would indicate that the people of New York have learned anything from it. The great effort of that year and the decisive victory at the polls certainly ameliorated for a time the condition of municipal affairs. They could not well help doing that. Even in this respect, however, the results, when closely scrutinized, seem wretchedly small. That Tweed and his associates were overthrown and driven from office was certainly no great achievement. Had they not been, it would simply have indicated that the end had come. For it must be borne in mind that these men were not ordinary official delinquents, or even defaulters and peculators, but they were a gang of unclean thieves,—“beastly rascals,” as the New York “Nation,” in language none too strong, at the time described them,—and the sole subject of astonishment was, not that they were expelled from office, but that they dared make even an attempt to retain it. Their overthrow, unless government was to become a mockery, should have been a mere matter of course. Beyond this, however, the movement resulted only in a temporary purification of the judiciary and the city executive; in absolutely nothing more. Even in these respects, also, the improvement was in no degree radical. It touched only the surface. The city judiciary is still elected by universal suffrage, and the Mayor is designated in

advance by a combination of city politicians. For a brief time, of course, the uprising of 1871 infused a little more care into the selection of candidates,—decency was not openly disregarded; though even this outward respect did not go far enough to prevent O'Brien from becoming a formidable candidate for Mayor within one year of the reform election. Nevertheless, the impetus of 1871 proved itself sufficient to drive the worst of the judges from the bench, and to fill their places with respectable men. This was a substantial victory; preventing as it did a recurrence of the old, intolerable evil for a period of eight or perhaps ten years. The executive offices were filled with men of better character, liable to summary removal at any city election. The legislative branches of the city government remained just what they had been,—wholly bad. Meanwhile the power of the city political organizations was not touched. Personal quarrels among leaders for a time interfered with the efficient working of the "machine," but there it was. Finally, the whole case may be summed up in the fewest possible words by stating what is the indisputable fact, that, at the coming election, all the judges, executive officers, and members of the city government of New York then to be chosen will be designated in advance by two men, and those men are John Kelley and John Morrissey. How far their action will be influenced by a recollection of the uprising of 1871, it is impossible to say. That unknown quantity will, however, measure the extent of the radical reform which that movement brought about.

Not only, however, have the events which have been recounted as yet failed to suggest any adequate remedy for the evils which led to them, but they also gave new life to certain political theories which have now become positively mischievous. Prominent among these was the idea that no radical reform at all was necessary, because the success which attended the uprising of 1871 showed that all would be well if citizens would but attend to their political duties. It is hard to imagine reasoning more utterly fallacious. Government, especially municipal government, is not an end, but a means. The object for which it exists is not to supply citizens with an occupation, but to enable them to attend properly, conveniently,

and safely to their business affairs. The citizens of New York perform functions of immense importance in the economy of the country. They in great degree move its financial, commercial, and intellectual machinery. To do this properly necessitates the application of all their powers. To call these bankers, merchants, manufacturers, lawyers, editors, authors, and brokers away from their proper duties for six weeks in each year to attend primaries, "fix slates," watch "the men inside politics," go to conventions and actively canvass to secure, first the nomination and then the election of good city officers, from the judge of the Supreme Court to the member of the Common Council,—to do this is at best an absurd waste of power. It can and has to be done now and again, in times of great exigency, but to depend on it as an annually recurring part of a political system is simply childish. It was done in New York in 1871; it cannot be done there again. A body of theorists and doctrinaires, preaching civic duties and crying out that "eternal vigilance is the price of liberty," may insist that it has got to be done, and successfully resist every attempt at a recognition of facts and consequent rational reform. That will not change the grand result. A system which calls for such an immense and constant expenditure of political force to keep it working is wrong and absurd, and must and will break down. Its doom is written on the wall. The degree of mischief it will do in breaking down will of course depend on the length of time it is kept impotently running.

The difficulty in the case of New York was simply this. A few very unscrupulous men, realizing thoroughly the changed condition of affairs, had organized the proletariat of the city; and, through the form of suffrage, had taken possession of its government. They saw clearly the facts in the case, which the doctrinaires, theorists, and patriots studiously ignored or vehemently denied. They knew perfectly well that New York City was no longer a country town, inhabited by Americans and church-goers and officered by deacons. They recognized the existence of a very large class which had nothing, and availed themselves of its assistance to plunder those who had something. The only way to meet them effectually and prevent a recurrence of the experience is for the friends of good

government equally to recognize facts and shape their course accordingly. The question then is a practical one.

If New York, or any other great city in America which finds itself brought face to face with this issue, were an independent autonomy, — like Rome or many of the free cities of the Middle Ages, — the question would at once be divested of all that which in America makes it difficult of solution. Under these circumstances the evil would run its course, and cure itself in the regular and natural way. New York would have a Cæsar within six months. Whether he came into power at the head of the proletariat or seized the government as the conservator of property would make no difference. The city would instinctively find rest under a strong rule. The connection which exists, and necessarily can never be severed, between the modern great city and the larger state, closes this natural avenue of escape. New York City is tied to New York State, and must stumble along as best it may at its heels. It is guaranteed a government republican in form, and consequently a radical remedy for the evil must be found within that form, or it cannot be found at all, and the evil must remain uncured.

The thing sought for then is to obtain a municipal government, republican in form, in which property, as well as persons, shall be secured in its rights, at the cost of a reasonable degree only of public service on the part of the individual citizen. The facts to be dealt with are few and patent. On the one side a miscellaneous population, made up largely of foreigners, and containing an almost preponderating element of vice, ignorance, and poverty, all manipulated by a set of unscrupulous professional politicians; on the other, a business community, engrossed in affairs, amassing wealth rapidly, and caring little for politics. Between the two the usual civic population, good and bad, intent on pleasure, art, literature, science, and all the myriad other pursuits of metropolitan life. The two essential points are the magnitude and diversified pursuits of the population, and its division into those who have and those who have not.

Bearing these facts, which cannot be changed, in mind, then a few cardinal principles on which any successful municipal government, republican in form, must rest, may safely be for-

mulated. In the first place, the executive must be strong and responsible ; in the second place, property must be entitled to a representation as well as persons ; in the third place, the judiciary must be as far removed as possible from the political arena. In other words, justice must be made as much as possible to descend from above. Curiously enough, each of these principles, instead of being a novelty, is but a recurrence to the ancient ways.

The present custom, derived from the doctrinaire teachings of the last forty years, is to destroy all executive responsibility by calling on the citizen to elect directly almost every conceivable executive officer. Accordingly, when the voter goes to the polls, a ticket, which resembles nothing so much as a page from the city directory, is thrust into his hand. He is called on to vote at once for fifty candidates for as many offices. In a country town, where every one is more or less known by all, this system may, and often does, work well ; in a city or in a large community it never can. As a preliminary to any decent municipal government it must be wholly reformed away. In its place the old, common-sense, Anglo-Saxon principle of a responsible executive head must be accepted. This is the cornerstone of all reform.

The legislative has next to be considered. Here, again, men have for thirty years been going wild over theories. On this subject it is just as well to use plain language, for cant and self-deceit will not produce good city governments. Because in small and primitive communities, where every one had something, a separate representation of property was found unnecessary, the growth of "rights-of-men" doctrinaires, who have infested this country for eighty years, at once proclaimed that it never was or could be necessary anywhere. Hence, in time, Tweed and Sweeny and Connolly. They were the early fruits of a right theory wrongly applied ; the full harvest is yet to come. The fact that all great municipal communities are largely divided into those who have and those who have not, has yet to be recognized as the basis on which the legislative department of every stable city government must rest. That all persons, rich or poor, wise or ignorant, have rights in our cities is indisputable, and those rights can only be secured to

them through a personal representation in the city government. Because persons have rights, however, it in no way follows that such rights are exclusive. The arrogance and disregard of all decency evinced by Tweed and his associates arose simply from the fact of their firm conviction that in New York property had no effective means of asserting itself against persons. The remedy would have been complete and obvious had the old, simple institution of double legislative chambers existed, the one representing property and the other persons. To this it will have to come at last. The voters of the great cities must be divided. Those paying taxes of perhaps \$ 50 a year, more or less, must be represented in one chamber; and those paying taxes less than the sum fixed, or no taxes at all, in the other chamber. Then, and not until then, will existing facts be recognized, and municipal government find itself resting on a stable basis.

Finally, as respects the government of cities, at least, every step of the ruinous path which led to filling the bench of justice by the nominees of the caucus has yet to be retraced. Barnard, Cardozo, McCunn, and Shandley were but its logical and natural results. What antic of theory run mad can be imagined more absurd than the intrusting the selection of city judges to a caucus made up of city politicians! Yet this has for years been systematically done. It is, of course, impossible that the practice should be permanent. Its end is probably not very remote when it is matter of common notoriety that two such men, wholly irresponsible at that, as John Kelley and John Morrissey designate for election, without appeal, all the judges of the New York City bench. How much scandal, corruption, and outrage will be required to utterly destroy a system which survived Barnard and Cardozo, it is impossible to say. In time the necessary amount will certainly be forthcoming. It will then only remain to again, under the ruin of theories, recognize the hard facts, and on them to re-establish the ancient practice, — a judiciary appointed by a responsible executive, and holding office during good behavior.

These three are cardinal principles, and beyond the statement of them it is not now proposed to go. There is no room here to enter into an elaborate discussion which might require



a volume to complete. As respects details, there is room for an infinite difference of opinion. A system of minority representation, for instance, if it could be brought into practical use, would be of immense value as an adjunct. The presence of one or two able and courageous men is of infinite consequence in a city government. To give to such the whole city in which to find a constituency would doubtless be a great step in advance. So of the control of the treasury. The choice of a Comptroller, instead of devolving on the Mayor, as at present, might belong to that chamber which represents the property-holders of the city. They contribute the funds, and they might rightfully claim, perhaps, the choice of their custodian. Yet another point would relate to imposing a penalty in case of refusal, without good cause, to serve a reasonable term in municipal office. This again would be but a recurrence to the usage in force for over a century in New England. These and all similar questions, important as they are, might none the less be decided one way or the other, and the great result yet be satisfactory. Not so the three cardinal principles which have been referred to. They are one and all indispensable. A powerful and responsible executive ; a legislative founded on the distinct recognition of the rights of property as distinguished from those of persons ; and an appointed judiciary holding office during good behavior, — it is on these time-honored foundations that the municipal government of the future in this country has got to rest. Until it reaches them it will not rest. Any plan which tries to ignore or evade them simply refuses to recognize facts, and must fail accordingly. This was clearly the lesson which should long since have been deduced from the New York City experience of 1871. It was a lesson, too, not for New York alone.